

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 07.10.2015
DELIVERED ON : 14.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.24646 of 2015
and
M.P.No.1 of 2015

G.Chellathurai @ Ilayaraja ... Petitioner/Accused

Vs

1.The State
Rep by its Inspector of Police
W 8 All Women Police Station
Thirumangalam, Chennai. ... 1st Respondent/Complainant

2.A.Nathiya ... 2nd Respondent/Defacto
Complainant

Prayer:- Criminal Original Petitions filed under Section 482 Cr.P.C. to quash the FIR in Cr.No.18 of 2015 on the file of the Inspector of Police, W8, All Women Police Station, Thirumangalam, Chennai.

For Petitioner : Mr.X.Selvam Sounder

For R1 : Mr.C.Emalias,
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed to quash the FIR in Cr.No.18 of 2015 on the file of the Inspector of Police, W8, All Women Police Station, Thirumangalam, Chennai.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. On a complaint lodged by Nathiya, the respondent police registered a case in Cr.No.18 of 2015 for offences under Sections 493 and 506(ii) IPC against the petitioner, challenging which the petitioner/accused is before this Court.

4. It is the case of Nathiya that, the petitioner and she were in love and the petitioner had physical affair with her on the promise of marrying her and thereafter, he reneged. It is further alleged in the complaint that, on 19.02.2013 the petitioner took Nathiya to her relative house and had sex with her on the promise of marrying her. It is further alleged by Nathiya in the complaint that after repeatedly having physical affair with her, the petitioner was intending to marry another girl on 29.06.2015 and hence, she lodged a complaint, pursuant to which enquiry was conducted by the police and the petitioner was arrested on 29.06.2015 and the marriage was stopped.

5. Learned counsel for the petitioner contended that the petitioner was in Singapore on 19.02.2013 and in support of it, he submitted a copy of his passport. In the considered opinion of this Court, when the investigation is at a very early stage, the FIR cannot be quashed by giving a finding of alibi in favour of the petitioner. Apart from 19.02.2013, it appears that the petitioner has been continuously having physical affair with Nathiya even prior to that. The Hon'ble Supreme Court has laid down the parameters for quashing an FIR in State of Haryana vs. Bhajan Lal [AIR 1992 SC 604] and the facts of this case does not pass muster the law laid down therein for quashing of FIR.

In the result, this petition is devoid of merits and the same stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gms
To

1. Inspector of Police
W 8 All Women Police Station
Thirumangalam, Chennai.

2. The Public Prosecutor
High Court, Madras.

Cr1.O.P.No.24646 of 2015

RV(CO)
CA(29/10/2015)