

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.29758 of 2015

and M.P.No.1 of 2015

Ravichandran ... Petitioner

Vs

1.State rep. by
The Inspector of Police,
All Women Police Station,
Erode, Erode District.

2.K.Dharani ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the FIR in Crime No.14 of 2014 pending investigation on the file of the first respondent, quash the same so far as the petitioner is concerned by allowing the criminal original petition.

For Petitioner : Mr.N.Manokaran

For respondents : Mr.C.Emalias,
Addl. Public Prosecutor
for R.1

ORDER

The present criminal original petition has been filed to call for the records relating to the FIR in Crime No.14 of 2014 pending investigation on the file of the first respondent, quash the same so far as the petitioner is concerned by allowing the criminal original petition.

2. It is the case of the prosecution that on 12.6.2014, the accused persons went to the college where the second respondent was studying and informed her that her father met with an accident and asked her to get into the car of A.1 to go to the hospital. Since the second respondent could not reach her mother through her mobile phone, she went along with them. Subsequently, the accused persons took her to the house of A.1 and informed her that they had

arranged the marriage between her and A.1 and threatened her saying that if she failed to cooperate, she and her family members have to face dire consequences. Thereafter, they went to Karungalpalayam Registration Office and registered the marriage. After that, the second respondent was brought back to her hostel. On 16.7.2014, the second respondent informed everything to her mother and thereafter, the second respondent lodged a complaint with the first respondent police. On the basis of the said complaint, a case was registered in Crime No.14 of 2014 for the alleged offence punishable under Sections 363, 468, 471 and 506(i) I.P.C. Now, the present petition has been filed seeking to quash the said proceedings in so far as the petitioner / A.2 is concerned.

3. Learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case. The second respondent has already filed a civil suit in O.S.No.23 of 2014 on the file of the Family Court, Erode, to declare the marriage as null and void. Thus, he sought to quash the said proceedings as against the petitioner is concerned.

4. Learned Additional Public Prosecutor submitted that in this case, investigation was almost completed and charge sheet is going to be filed within a short span of time.

5. I am of the considered opinion that the scope of Section 482 Cr.P.C. to quash the first information report is very limited. The first information report can be quashed only if the allegations made in the complaint do not constitute any offence or if there is any legal flaw. By applying the said legal principles, I do not find any valid ground to quash the first information report pending in Crime No.14 of 2014. Further, in this case, the investigation was almost completed and charge sheet is yet to be filed. Hence, I am not inclined to entertain the present petition.

6. In fine, the criminal original petition is dismissed. However, the petitioner is at liberty to work out his remedy after filing of the final report. The first respondent is directed to complete the investigation and file a final report as expeditiously as possible. Consequently, connected miscellaneous petition is also dismissed.

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Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

sbi

To

1.The Inspector of Police,
All Women Police Station,
Erode, Erode District.

2.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.N. Manokaran, Advocate, Sr. 68330

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NM(CO)
kk 7/1



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