

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.22592 of 2016

D. Jeeva

Petitioner

vs.

1 State represented by
the Inspector of Police
Government Railway Police Station
Egmore, Chennai
GRP (Egmore) P.S. Crime No.222 of 2016

2 R. Nandakumar

3 The Deputy Commissioner of Police
Central Crime Branch
Vepery, Chennai

Respondents

(R3 impleaded vide order dated 18.10.2016
passed in Crl.M.P. No.10868 of 2016)

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to quash and permit the petitioner to withdraw the complaint dated 01.08.2016 registered in GRP (Egmore) P.S. Crime No.222 of 2016 and close the investigation of the case registered by the Inspector of Police, Government Railway Police Station, Egmore, against the respondent/accused herein to give quietus to the issue.

For petitioner Mr. A. Ramesh, Sr. Counsel
for M/s. D. Venkatesan

For R1 Mr. C. Emalias
Addl. Public Prosecutor

For R2 Mr. Sunder Mohan
for Mr. A. Velmurugan

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ORDER

This Criminal Original Petition has been filed seeking the following prayer:

“to quash and permit the petitioner to withdraw the complaint dated 01.08.2016 registered in GRP (Egmore) P.S. Crime No.222 of 2016 and close the investigation of the case registered by the Inspector of Police, Government Railway Police Station, Egmore, against the respondent/accused herein to give quietus to the issue.”

2 Heard both sides.

3 For the sake of convenience, the parties are referred to by their name.

4 On the complaint lodged by Jeeva, the petitioner herein, the Sub Inspector of Police, GRP Egmore, Chennai, registered a case in Crime No.222 of 2016 on 01.08.2016 for offences under Section 354 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, against Nandakumar, the second respondent herein.

5 It is the case of Jeeva that while she was travelling with her mother Banumathy from Srirangam to Chennai in Chennai Express on 31.07.2016, Nandakumar, who was a co-passenger, had touched her mother and thereafter, touched her too. Hence, the FIR.

6 It may be relevant to state here that Nandakumar had filed Crl.O.P. No.20416 of 2016 for quashing the FIR, which was dismissed by this Court on 08.09.2016 by a detailed order. In the said order, this Court had ordered transfer of investigation of the case from the file of the Railway Police to the Central Crime Branch, Egmore, Chennai.

7 Now, Jeeva herself has filed the present petition to quash the prosecution as against Nandakumar on the ground that she and Nandakumar have arrived at an amicable settlement and that she does not want to precipitate the matter any further.

8 Under normal circumstances, this Court would not have entertained such a plea, especially in the light of the fact that this Court had earlier dismissed a similar plea by Nandakumar in Crl.O.P. No.20416 of 2016.

9 Today, both Jeeva and her mother Banumathy were present in the Court and the case was directed to be called in camera.

10 During the in camera proceedings, this Court heard the version of Jeeva and her mother Banumathy in order to find out whether there is any undue coercion or influence from any quarter for entering into compromise with Nandakumar.

11 Jeeva and Banumathy made a passionate plea that had Nandakumar

apologised soon after the incident itself, they would not have proceeded further to lodge the police complaint. They also stated that Nandakumar had merely touched them and did not do anything further untoward.

12 In the affidavit filed by Jeeva in support of this quash petition, she has averred as under:

"13 I humbly submit that if the proceedings are taken in the court then it would add fuel to fire in my life. In these circumstances I and my mother have decided to forget and forgive this issue. In fact on 08.09.2016 the Crl.O.P. No.20416 of 2016 came up for compromise but I could not appear before this Hon'ble Court and this Hon'ble Court decided taking the seriousness of the issue to proceed the matter in further.

14 I humbly submit that the good intention of this Hon'ble Court and the gesture of this Hon'ble Court would have been very useful provided if I had an understanding husband and family now neither my husband nor my father are not there to support me. If the present scenario is known to my husband it would take an ugly turn and I may not be in a position to have any solution in my matrimonial issues. Since I am the only bread winner of the family and my family wholly depend solely upon my income, I have decided to forget and forgive this issue as it would affect my matrimonial life in further.

15 I submit that I have sent a representation to the first respondent as well as to the Superintendent of Police, Government Railway Police, Egmore, Chennai and also to the Deputy Commissioner of Police, Central Crime Branch, Egmore, Chennai through my letter dated 29.09.2016 expressing my intention to withdraw the complaint and not to proceed anything on the basis of my complaint dated 01.08.2016."

13 On a reading of the above extracted portion of the affidavit, it appears that Jeeva herself is having some matrimonial problems with her husband Surrender and that this case would further aggravate the situation.

14 After having enquired Jeeva and Banumathy, this Court is satisfied that neither of them has been coerced by Nandakumar to enter into compromise. Further, Nandakumar is a senior officer working in the Southern Railway.

15 Taking into consideration the aforesaid facts, in the interest of justice, the entire prosecution in GRP (Egmore) P.S. Crime No.222 of 2016 is hereby quashed.

Accordingly, this Criminal Original Petition is allowed.

18.10.2016

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To

- 1 The Inspector of Police
Government Railway Police Station
Egmore, Chennai
- 2 The Public Prosecutor
Madras High Court
Chennai 600 104

P.N. PRAKASH, J.

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