

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 02.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.19406 of 2011
and
M.P.No.1 of 2011

G.Ranganathan

... Petitioner/Accused

-Versus-

1. The State rep. by
Sub Inspector of Police,
T-13, Kundrathur Police Station,
Kundrathur, Chennai 600 069.
[Crime No.229 of 2011]

2. V.Mathivanan ... Respondents/Complainant

Prayer: This petition is filed under Section 482 Cr.P.C.
praying to call for the entire records relating to the case in
Crime No.229 of 2011 on the file of the 1st respondent police
and to quash the said case.

For Petitioner : Mr.M.P.Saravanan

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

ORDER

This original petition has been filed seeking to quash
the case in Crime No. No.229 of 2011 on the file of the 1st
respondent police.

2. On the complaint lodged by the 2nd respondent -
V.Mathivanan, the 1st respondent police have registered a case
in Crime No.229 of 2011 on 08.06.2011 under Section 497 of IPC
against the petitioner herein.

3. It is the case of the de facto complainant that he
found the petitioner in a compromising position on bed with
his wife on 16.05.2011 and on seeing him, the petitioner ran
away. Hence, lodged the first information.

4. Offence under Section 497 of IPC is non cognizable and
hence no FIR can be registered. That apart, a prosecution

under Section 497 of IPC can be initiated only by the aggrieved person in terms of Section 198 of Cr.P.C. by a private complaint and not by a police report.

5. In the light of the above position, the criminal original petition is allowed and the case in Crime No.229 of 2011 on the file of the 1st respondent police is quashed. Consequently, connected MP is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

kmk

To

The Sub Inspector of Police,
T-13, Kundrathur Police Station,
Kundrathur, Chennai 600 069.

Copy To

The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.M.P.Saravanan, Advocate, S.R.No.62442

Crl.O.P.No.19406 of 2011

SR(CO)
CA(01/12/2016)

सत्यमेव जयते

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