

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.12118 of 2018
and
Crl.MP.Nos.6416 & 6417 of 2018

1.Premnath
2.Mohan
3.Saravanan
4.Nagalingam Petitioners

Vs

1.State Represented by
Inspector of Police
H-5, New Washermenpet
Chennai.

2.Umadevi ... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, seeking a direction to call for the records in C.C.No.705 of 2018 pending on the file of the learned XV Metropolitan Magistrate, George Town at Chennai and quash the proceedings.

For Petitioners: Mr.S.Suresh
For Respondents: Mrs.Kritika Kamal.P.
Government Advocate (Crl.Side)
For R1

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed seeking a direction to call for the records in C.C.No.705 of 2018 pending on the file of the Metropolitan Magistrate Court No.XV, George Town at Chennai and quash the said proceedings.

2. The second respondent filed a complaint before the Metropolitan Magistrate No.XV, George Town, Chennai and on the orders of the Magistrate under Section 156(3) Cr.P.C., the respondent police registered a case in Crime No.1599 of 2016 on 15.11.2016 and after completing the investigation, have filed a charge sheet in C.C.No.705 of 2018 before the Metropolitan Magistrate No.XV, George Town, Chennai, for the offences under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act and 506(ii) of IPC against the petitioners / accused, challenging which, this quash petition has been filed.

3. Heard Mr.S.Suresh, learned counsel for the petitioners / accused and Mrs.Kritika Kamal.P, learned Government Advocate (Crl. Side) for the first respondent.

4. The learned counsel for the accused submitted that for the same cause of action, the second respondent has lodged a complaint, based on which, an FIR in Crime No.17 of 2016 has been registered by the All Women Police Station, Tiruvottiyur on 27.10.2016 for the offences under Sections 498-A and 506 (ii) of IPC and therefore, the present prosecution is an abuse of process of law.

5. Per contra, the learned Government Advocate (Crl. Side) appearing for the first respondent refuted the contentions.

6. This Court gave its anxious consideration to the rival submissions and perused both the FIRs.

7. The sum and substance of the case of the second respondent/de facto complainant in C.C.No.705 of 2018 is that she was in love with one Premnath (A1) for two years and that they got married secretly without the knowledge of their parents; that their marriage got registered; that when their parents came to know about it, the parents of Premnath (A1) objected to the marriage; that Premnath (A1) got married to another girl in Pondicherry; that the de facto complainant obtained evidence like photographs about the second marriage of Premnath (A1); that in order to destroy the evidence, all the accused had gone to the work place of the de facto complainant on 10.10.2016, abused and threatened her.

8. As pointed out by the learned counsel for the accused, even in the FIR registered in AWPS Tiruvottiyur Crime No.17/2016, there is a reference about the incident that took place on 10.10.2016. However, in the FIR, there are allegations relating to matrimonial offence also. When once charge sheet has been filed in New Washermenpet Police Station Crime No.1599/2016, with regard to the incident that took place on 10.10.2016, the same accusation cannot be added in the event of AWPS Tiruvottiyur, filing the final report in Crime No.17/2016.

9. As regards the allegations in the charge sheet, this Court finds that there are prima facie materials against all the accused and therefore, the entire prosecution cannot be quashed at the threshold. However, the Inspector of Police, All Women Police Station, Tiruvottiyur is directed not to include the allegations regarding the incident that took place on 10.10.2016 in the event of charge sheet being filed in AWPS Crime No.17 of 2016.

10. With the above direction, this petition is closed, with liberty to the petitioners to raise all the points before the trial Court. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Metropolitan Magistrate No.XV,
George Town at Chennai.
 2. The Inspector of Police
H-5, New Washermenpet
Chennai.
 - 3 The Inspector of Police
All Women Police Station,
Tiruvottiyur.
 4. The Government Advocate (Crl. Side)
High Court, Madras.
- + 1 cc to Mr. S. Suresh, Advocate Sr.30866

Crl.OP.No.12118 of 2018

(CS-DR)
EU(16/05/2018)

सत्यमेव जयते

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