

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.18502 of 2018

Gires Nair

... Petitioner/Accused

-Vs-

1. The State
Rep by Station House Officer,
R-9, Valasaravakkam Police Station,
Valasaravakkam,
Chennai- 87.
Tamilnadu, India.

2.N. Balachandar ... Respondents

Petition filed under Section 482 Cr.P.C. to call for the records and quash the FIR No.169 of 2018 on the file R-9 Valsaravakkam Police Station, Chennai.

For Petitioner : Mr.C.Krishnamoorthy
For R1 : Mr.C.Raghavan,
Government Advocate (Crl.Side)
for R2 :MrAnandha Krishanan

O R D E R

This petition has been filed to call for the records in Cr. No.169 of 2018 on the file R-9 Valsaravakkam Police Station, Chennai.

2. On 02.08.2018, this Court passed the following order:

"On the complaint lodged by one N.Balachandar, the Sub-Inspector of Police, Valasaravakkam Police Station registered a case in Crime No.169 of 2018 under Section 498 (A) IPC against Gires Nair. It is alleged in the FIR that Gires Nair had developed intimacy with the defacto complainant's daughter Rasika Balachandar, who herself is a divorcee and was in live in relationship with her. During that period, he is said to have harassed and ill

treated Rasika Balachandar. Hence, the complaint and the FIR.

2. Today, both Giresh Nair and Rasika Balachandar are present before this Court.

3. Rasika has stated that she is 37 years old and that she obtained divorce from her first husband and that she is intending to marry Giresh Nair after he gets divorce from his wife. She has also filed an affidavit to that extent.

4. However, Mr.K.P.Anandha Krishanan, learned counsel appearing for the defacto complainant submitted that the defacto complainant is physically indisposed and he wants to say a few words to this Court. At his request, this matter stands adjourned. Post on 09.08.2018."

3. Today Mrs.Geetha Balachandar, mother of Rasika is present. Rasika and Giresh Nair are also present before this Court. Rasika has filed an affidavit dated 02.08.2018, wherein, she has stated as follows:

"3. I state that as I am a divorcee and the petitioner is also expecting a divorce from his wife. We had planned to lead a new matrimonial life after his divorce formalities are over. I had no negative thoughts with him and I had not given any complaint before the respondent police as stated in the FIR No. 169/2018.

4. I state that my father had given this complaint because of some misunderstanding with the petitioner. I was depressed for some misunderstanding between myself and the petitioner for some misunderstanding between myself and the petitioner for some petty reasons at that time of incident and I was hospitalized during the complaint given to the respondent police and during his remand in jail.

5. I state that I came to know about the FIR and the complaint after he came out of jail and I was so upset about the complaint given against him and I regret for the same. I and the petitioner herein wanted to start a new life and he has never ever tortured or he exploited me for his financial reasons.

6. I state that the facts stated in the complaint are false and I am the affected person and my father had no knowledge about what had

happened and he had given this complaint due to his love and affection towards me and assumptions on that period of incident.

7. I state that the complaint given by father is no way connected to the petitioner. We came to a compromise settlement to withdraw the complaint and I have no objections in quashing the FIR as I am ready to withdraw the complaint and I have no negative feelings against the petitioner and i had regretted my feelings for what had happened and we both want to settle this issue amicably and he has also consented for the same. I state and assure that I am deposing this affidavit without any pressure or coercion from the petitioner or anybody else."

In view of the above, this petition is allowed and the prosecution in Cr. No.169 of 2018 is hereby quashed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Station House Officer,
R-9, Valasaravakkam Police Station,
Valasaravakam,
Chennai- 87.
Tamilnadu, India.

2.The Public Prosecutor
High Court, Madras.

+1cc to Mr.R.Harinath, Advocate, S.R.No.55288

+1cc to the Government Pleader, S.R.No.

Crl.O.P.No.18502 of 2018

KS(CO)
GSP(30/08/2018)