

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.24215 of 2018

and

CRL.M.P.No.13710 of 2018

1.Vinoth Kumar  
2.Velusami  
3.Prasanth

.. Petitioners

Vs

1.State rep. by  
Inspector of Police,  
All Women Police Station,  
Vadapalani,  
Chennai.

2.Francis Rani

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,  
to call for the entire records pertaining to the FIR in Crime  
No.9 of 2018 on the file of the 1<sup>st</sup> respondent Police and quash  
the same.

For Petitioners : Mr.A.Kumarasamy  
for Mr.R.Gokulakrishnan

For Respondents : Ms.M.Prabhavathi (For R1)  
Additional Public Prosecutor

O R D E R

On the complaint lodged by one Francis Rani, the 1<sup>st</sup>  
respondent police have registered a case in Crime No.9 of 2018  
on 27.05.2018 under Sections 417, 420 and 506 (1) of IPC against  
the petitioners herein, for quashing which this application has  
been filed.

2.Heard Mr.A.Kumarasamy, learned counsel appearing for the  
accused.

3.Before advertng to the contentions raised by Mr.A.Kumarasamy, it may be relevant to state here the averments in the First Information Report:

It is the case of the defacto complainant that she came into contact with one R.Vinodh Kumar some time in the year 2010 and they both fell in love with each other; R.Vinodh Kumar on the promise of marrying her, had physical relationship with her, on account of which she conceived. R.Vinodh Kumar induced her to undergo abortion and accordingly, he admitted her in Best Hospital and had her undergo abortion; that R.Vinodh Kumar had induced her to part huge amount of monies from time to time for various reasons and believing that he would marry her, she had generously given the demanded amounts; that she came to know from whatsapp message that R.Vinodh Kumar is intending to ditch her and marry another girl by name Vijayalakshmi; that when coming to know of it when she contacted R.Vinodh Kumar and family members, they threatened her.

4.Mr.A.Kumarasamy placed strong reliance on the unreported judgment of this Court in Dr.Varun Kumar and others Vs. State of Tamil Nadu, represented by the Inspector of Police, and another in CrI.O.P.No.14573 of 2017 dated 26.06.2018 for the proposition that the defacto complainant was a major and she willingly had physical relationship with R.Vinodh Kumar and therefore, she cannot now complaint of cheating, as that will not attract Section 415 IPC.

5.In the opinion of this Court, the First Information Report does not disclose a simple act of cheating. It discloses certain allegations relating to the defacto complainant undergoing abortion at the instigation of R.Vinoth Kumar and that R.Vinodh Kumar on the promise of marrying her had not only ravished her, but had also financially drained her.

6.Mr.A.Kumarasamy refuted the allegations relating to financial dealings and submitted that there was no monetary transactions between R.Vinodh Kumar and the defacto complainant.

7.In the opinion of this Court, these are disputed questions of fact which cannot be gone into while deciding a petition under Section 482 Cr.P.C. It is for the police authority to thoroughly conduct the investigation and either close the case or file a final report. The facts at hand do not pass muster the law laid down by the Hon'ble Supreme Court in the State of Haryana and others Vs Ch. Bhajan Lal and others 1992 AIR 604 for this Court to intervene at the threshold for quashing the First Information Report.

8.Hence this petition is dismissed. Consequently, connected Miscellaneous Petition is also closed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsn/gsa

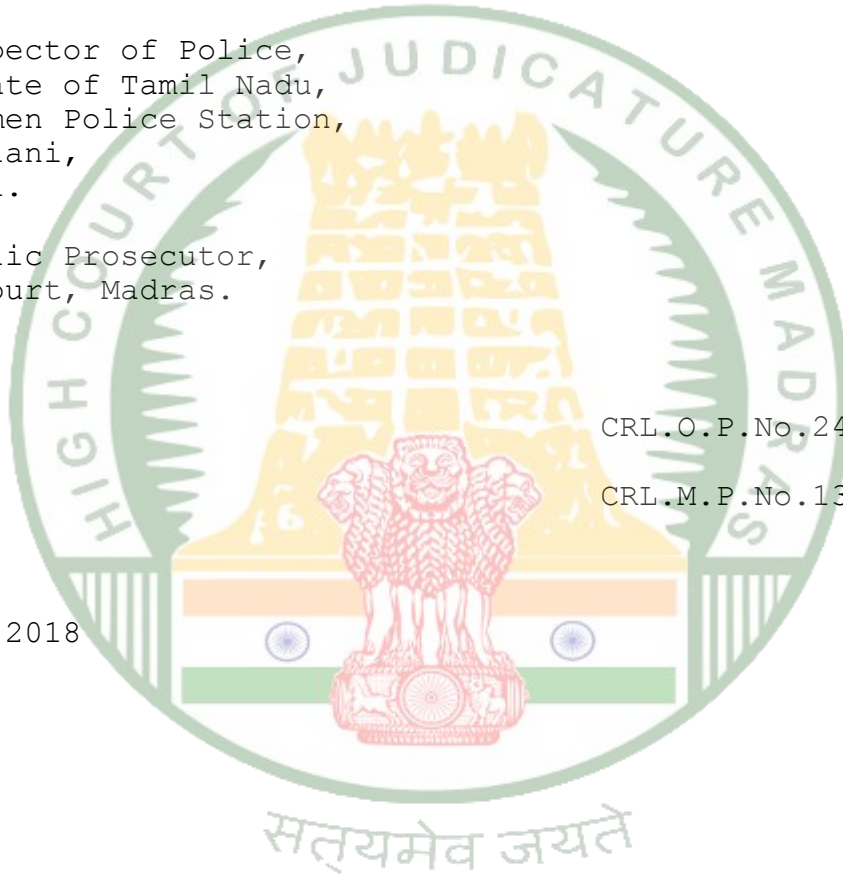
To

1.The Inspector of Police,  
The State of Tamil Nadu,  
All Women Police Station,  
Vadapalani,  
Chennai.

2.The Public Prosecutor,  
High Court, Madras.

CRL.O.P.No.24215 of 2018  
and  
CRL.M.P.No.13710 of 2018

KGK(CO)  
CSL/12.11.2018



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