



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. [MD].Nos.18164 and 18165 of 2018

and

Crl.M.P. (MD) Nos.8569, 8079 and 8080 of 2018

G.Jarmal : Petitioner/Sole Accused
in both Crl.O.Ps.

Vs.

1. The State represented by
The Sub Inspector of Police,
Vellichanthai Police Station,
Kanyakumari District.
(Crime Nos.78 & 16/2018)

: 1st Respondent/Complainant
in both Crl.O.Ps.

2.M.Sahaya Nisha : 2nd Respondent /Defacto Complainant
in Crl.O.P. (MD) No.18164 of 2018

3.E.Sahaya Rani : 2nd Respondent/Defacto Complainant
in Crl.O.P. (MD) No.18165 of 2018

PRAYER in Crl.O.P. (MD) No.18164 of 2018: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the FIR in Crime No.78/2018 on the file of the first respondent police and quash the same.

PRAYER in Crl.O.P. (MD) No.18165 of 2018: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the Charge Sheet in C.C.No.202 of 2018 on the file of the Judicial Magistrate at Eraniel, Kanyakumari District and quash the same.

For Petitioner : Mrs.L.Victoria Gowri
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

COMMON ORDER

The police have registered two FIRs against the petitioner.

2.Crime No.78 of 2018 has been registered by the respondent police based on the complaint given by the one Sahaya Nisha.

<https://hcservices.ecourts.gov.in/hcservices/> 3.Crime No.16 of 2018 was registered by the respondent police based on the complaint given by one Sahaya Rani. In this



FIR, the respondent police have completed the investigation and a final report has also been filed in C.C.No.202 of 2018, on the file of the learned Judicial Magistrate, Eraniel.

4.The brief facts of the case are that there was an affair between the petitioner and one Sahaya Nisha. Thereafter, there was some misunderstanding, as a result of which, the relationship was broken. In the complaint given by Sahaya Nisha, she has stated that the petitioner has threatened her and compelled her to marry him and also has abused with filthy language. Similarly, the mother of the said Sahaya Nisha also gave a complaint to the respondent police on similar grounds.

5.When the matter came up for admission before this Court, this Court thought it fit to call the parties in order to attempt to make a compromise. In spite of the respondent police attempting to bring the defacto complainant before this Court, the defacto complainants were not interested in pursuing with the case.

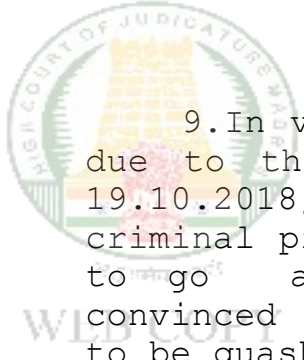
6.The learned Government Advocate (Criminal Side) for the respondent police would submit that the said Sahaya Nisha got married on 19.10.2018. Therefore, she does not want to be present before this Court.

7.The learned counsel for the petitioner would submit that the petitioner did not compel the said Sahaya Nisha to marry him. The learned counsel for the petitioner would further submit that a false complaint has been given against the petitioner, as a result of which, the future prospects of the petitioner has been stalled.

8.This Court directed the petitioner to file an affidavit of undertaking not to go near the said Sahaya Nisha in future. The petitioner has filed the affidavit before this Court. The relevant portion of the affidavit is extracted hereunder:-

"4.While so on the request of the defacto complainant I tried to convince her parents to give her in marriage to me. However that was not well taken by her parents. On the compulsion of her parents she lodged a false complaint against me in Crime No.78 of 2018 of Vellore Police Station for the offences under Sections 506(1), 341, 294(b) of IPC and Section 4 of TNPHW Act, 2002.

5.Since she is married to another person I am no more interested in her and I very humble undertake and affirm that I will never try to contact her directly or indirectly in future at any point of time. I also affirm that I will



9. In view of the undertaking given by the petitioner and also due to the fact that Sahaya Nisha has already got married on 19.10.2018, no useful purpose will be served in keeping the criminal proceedings pending. As the petitioner has undertaken not to go anywhere near the said Sahaya Nisha, this Court is convinced that the criminal proceedings and the pending FIR have to be quashed in the interest of justice.

10. In view of the above, the FIR in Crime No.78 of 2018, pending on the file of the respondent police and the proceedings in C.C.No.202 of 2018, pending on the file of the Judicial Magistrate, Eraniel, are hereby quashed. Accordingly, both the criminal original petitions are allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Judicial Magistrate, Eraniel,
Kanyakumari District.
2. The Sub Inspector of Police,
Vellichanthai Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.Mrs.L.Victoria Gowri, Advocate Sr.No.92056

RMI

VB/PM/SAR3/19.11.2018/3P/5C

Cr1.O.P.[MD].Nos.18164 and 18165 of 2018
25.10.2018