

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:08.04.2019
CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.20851 of 2018
and

Crl.M.P.No.11280 of 2018 & Crl.M.P.No.3206 of 2019

S.Vishal Raghav ...Petitioner/2nd Accused
Vs.

1.State Rep. by
Inspector of Police
All Women Police Station
Adyar District
Greater Chennai
(Crime No.06/2018)

...1st Respondent / Petitioner
... 2nd Respondent /Complainant
... 3rd Respondent/1st Accused

2.Lakshmi
3.S.Sathiyanaath

PRAYER:Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to impugned FIR in Crime No.06/2018 dated 26.05.2018 on the file of the 1st respondent herein and quash the same in so far as the petitioner / 2nd accused is concerned.

For Petitioner : Mr.M.Deiv Anadam
For Respondents: Mr.M.Mohamed Riyaz for R1
Additional Public Prosecutor
Mr.B.Mohan for R2

ORDER

This Criminal Original Petition has been filed by the petitioner to call for the records relating to impugned FIR in Crime No.06/2018 dated 26.05.2018 on the file of the 1st respondent herein and quash the same in so far as the petitioner / 2nd accused is concerned.

2.The learned Counsel appearing for the petitioner would submit that the petitioner came to know from his father who is A1 in the FIR that the 2nd respondent was working in the office of A1 and when the company was closed due to loss, all the employees of the company were given monetary settlement and the 2nd respondent had dispute in the monetary settlement and she with the help of her advocates approached A1 and threatened to tarnish his image in the society by publishing in Newspapers and Social Media that A1 has outraged the modesty of the complainant Lakshmi and had physical affairs with her in the guise of marrying

her and cheated her and demanded huge money from A1 and A1 apprehending damage to his reputation in the society in fear settled Rs.30,00,000/- to the complainant Lakshmi through her Advocates, Mr.Senthamizhselvan and Mr.Jaganathan and his Advocate Mr.Abdul Rahaman and Mediator Nazeeb Khan and others on 04.08.2017 at Hotel Ashoka, Egmore, Chennai and the complainant Lakshmi has executed acknowledgement for the receipt of the said money and thereafter, the complainant Lakshmi through another Advocate, Kanimozhi Madhi holding Mobile No.9952081186 demanded money from A1 as settlement for the complainant herein disputing the previous settlement and since A1 lodged a complaint with Deputy Commissioner of Police, Adyar on 02.04.2018, against the complainant Lakshmi for extortion and the said complaint was enquired in R6 Kumaran Nagar Police station, the complainant Lakshmi lodged the above complaint with false allegations with the 2nd respondent herein suppressing the previous monetary settlement made to her and the above FIR came to be registered against A1 and the petitioner herein.

3.The learned counsel would further submit that the petitioner herein and A1 apprehending arrest approached this Court for anticipatory bail in CrI.O.P.No.14783/2018 and the same was granted by order dated 16.06.2018 on the conditions mentioned therein and the petitioner had complied the conditions as stipulated in the above said order.

4.The learned counsel would further submit that the only allegation in the complaint lodged by the complainant Lakshmi against the petitioner is that in the month of February 2017, the petitioner assaulted the complainant Lakshmi in the office of the A1 and shouted at her with obscene words to get out of the office and threatened to do away her. Though, the above allegation prima facie attracts cognizable offence of section 506(ii) IPC, the reading of the entire complaint would clearly show that the above allegation has been motivatedly made against the petitioner in order to settle score with the A1. The reading of the complaint would show that the petitioner herein has been implicated in the above case with malafide intention and with ill motive as he is the son of A1. There is no allegation in the complaint that the petitioner herein was involved in the business affairs of A1. It is the allegation of the complaint that the petitioner unexpectedly came to the office and assaulted and abused her. The petitioner since working with reputed private IT concern, the allegation against him in the complaint is inherently improbable. Though, factual allegations in the complaint cannot be appreciated by this court under 482 of

Cr.P.C. this Court has ample power to quash the FIR using the inherent powers if the allegation in the complaint are made out of malafides and if they are inherently improbable. The above allegation made against the petitioner herein would squarely come under malafides and improbability. Hence, this petition.

5. Heard the learned counsel on either side.

6. Admittedly, the 2nd respondent is having relationship with the 1st accused from the age of 16. It is seen that the 2nd respondent has also received some compensation from the 1st accused. The petitioner / 2nd accused is none other than the son of the 1st accused.

7. It is further seen that the complaint has been lodged on 04.04.2018 for the occurrence which took place in the month of February 2017. There is no explanation from the 2nd respondent for the delay of the alleged complaint. Considering the same, this Court is inclined to quash the FIR as against the petitioner as the same is clear abuse of process of law and cannot be sustainable as against the petitioner.

8. Accordingly, this Criminal Original Petition stands allowed. The FIR in Crime No.06/2018 dated 26.05.2018 on the file of the 1st respondent herein is quashed insofar as this petitioner / 2nd Accused is concerned. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Co)

//True Copy//

Sub Assistant Registrar

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To

1. Inspector of Police

All Women Police Station

Adyar District, Greater Chennai

(Crime No.06/2018)

2. The Public Prosecutor, High Court of Madras

+2ccs to Mr.M.Deiv Anadam, Advocate SR.No. 34717

+1cc to Mr.B.Mohan, Advocate SR.No. 34371

CrI.O.P.No.20851 of 2018

and

CrI.M.P.No.11280 of 2018

& CrI.M.P.No.3206 of 2019

A.SK (25/04/2019)