

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.28006 of 2017
and CRL.M.P.No.15934 of 2017

N.S.Prakash

... Petitioners

Vs.

1. Union Territory,
rep. by Inspector of Police,
Mattupalayam Police Station,
Puducherry,
(Crime No. 92 of 2017)

2. Jayasankar

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to Crime No. 92 of 2017 on the file of the 1st respondent and quash the same.

For Petitioner : Mr. K. Sudhakar

For Respondents: Mr. V. Balamurugane,
Addl.Public Prosecutor (Pondy) -R1

No Appearance - R2

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to Crime No. 92 of 2017 on the file of the 1st respondent and quash the same.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Pondicherry) appearing for the 1st respondent. No Appearance on behalf of the 2nd respondent.

3. It is seen that the 2nd respondent had lodged a complaint against the petitioner herein, alleging that the petitioner had kidnapped the wife of the 2nd respondent namely Ramya on 20.11.2017. After receipt of the same, the 1st respondent police had registered a case in Crime No. 92/2017 for the offences punishable under Sections 363, 294(b) and 507 IPC . As directed by this Court, the victim girl appeared today and she is enquired by this Court. She has stated that, she has engaged the petitioner as her counsel only to file a divorce petition before the Family Court, Puducherry. The said divorce petition was numbered in M.O.P. No. 521 of 2017 and the was also came to allowed infavour of the victim by an judgment dated 31.08.2018.

4. In view of the above statement of the victim girl, it is clear that only because of filing the divorce petition by the petitioner on behalf of the wife of the 2nd respondent, the complaint has been lodged by the 2nd respondent herein. Except this, no other allegations are made out as against the petitioner herein.

5. It is also evidenced from the statements of the victim girl that she was never kidnapped by the petitioner and no such occurrence had taken place. Further, the 2nd respondent used to suspect his wife due to misunderstandings arose between them in respect of the family dispute.

6. On overall consideration of the facts and circumstance of the case and also the evidence of the victim girl before this Court, this Court is of the view that the impugned FIR registered in Crime No.92 of 2017 by the 1st respondent police against the petitioner is abuse of process of law and it cannot be sustained.

7. In view of the above, the Criminal Original Petition stands allowed and the case in Crime No. 92 of 2017 pending on the file of the 1st respondent police is quashed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Mattupalayam Police Station,
Puducherry.

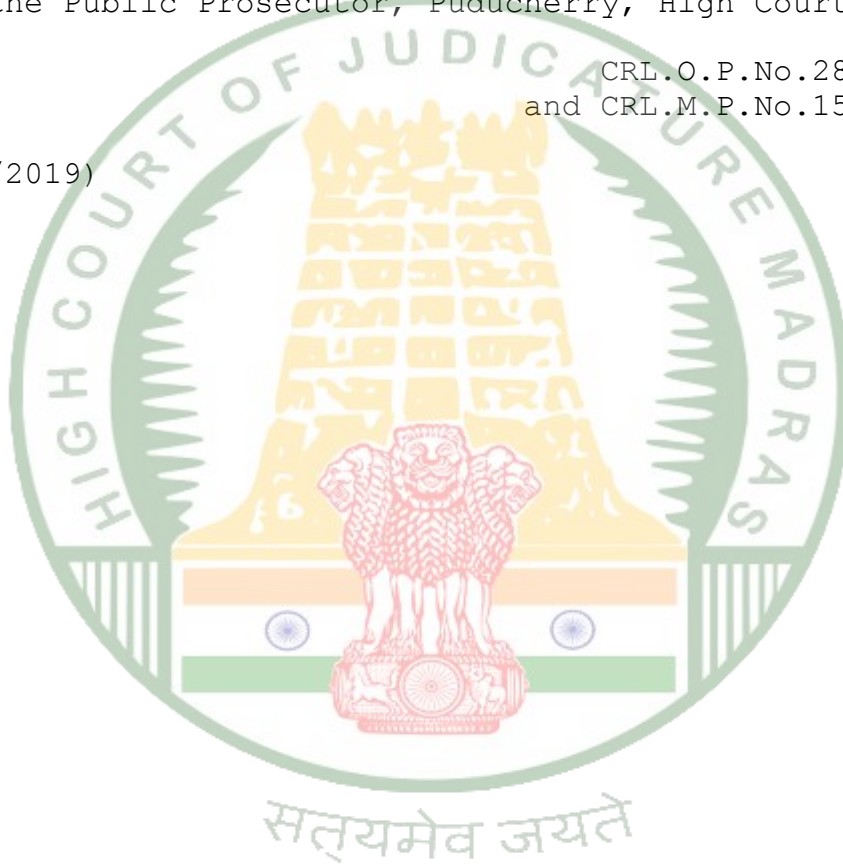
2. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.K.Sudhakar, Advocate, S.R.No.38020

+1 cc to the Public Prosecutor, Puducherry, High Court, S.R.38412

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GP (CO)
SSM(28/06/2019)



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