

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.01.2019

CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.24332 of 2018
and Crl.M.P.No.13796 of 2018

Sarath @ Sharad Nathan

...Petitioner

Vs.

1.The Inspector of Police
W-8, All Woman Police Station
Thirumangalam, Chennai -600 040.

2.V.Yuvaraj

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in Crime No.13 of 2018 on the file of the Inspector of Police, W-8, All Woman Police Station, Thirumangalam, Chennai -600 040, the 1st respondent herein and may be pleased to quash the same.

For Petitioner : Mr.K.Venkatakrisnan

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
Notice served for R2

O R D E R

This petition has been filed by the petitioner seeking to quash the FIR in C.C.No.13 of 2018, pending on the file of the first respondent.

2. Though notice has been served on the second respondent, none appeared either in person or through his counsel.

3. It is seen from records that this petitioner has been arrayed as A2 in the FIR. A1 and the Defacto complainants are husband and wife and there are serious problems between them which has resulted in various proceedings pending before the Family Court. There is also a 4 ½ years old minor son for them. This petitioner had attempted to help the parties and thereby he came in touch with A1.

4. The entire allegation in the FIR is that this petitioner is having an illicit relationship with A1 and the minor child is being abandoned and is not taken care of. Based on the complaint given by the second respondent, the respondent police

have registered an FIR for an offence under Section 324 of IPC and 75 of Juvenile Justice (Care and Protection of Children) Act 2015.

5. A reading of the entire materials available on record shows that there are continuous complaints against the second respondent that he indulged in violence both against the wife and the minor son. This has resulted in proceedings initiated before the Family Court. The petitioner who wanted to help the parties has unnecessarily been targeted and even without making a preliminary enquiry, the respondent police have registered an FIR in a hasty manner as against this petitioner. It is also brought to the notice of this Court that this petitioner was also remanded to Judicial custody on 10.07.2018 and he was released on bail only on 17.07.2018.

6. It is a clear case of abuse of process of law. The petitioner has been unnecessarily dragged into a dispute between the Husband and Wife and it is unfortunate that the petitioner was even remanded to Judicial custody in this case without there being any materials against him. This Court has to necessarily interfere with the investigation in this case, insofar as this petitioner is concerned.

7. In the result, the FIR in Crime No.13 of 2018, on the file of the first respondent police is hereby quashed and accordingly this Criminal Original Petition is allowed. Consequently connected Miscellaneous petition is also closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

mpa/ub

To

1.The Inspector of Police
W-8, All Woman Police Station
Thirumangalam, Chennai -600 040.

2.The Public Prosecutor
Madras High Court.

+2ccs to Mr.K.Venkatakkrishnan, Advocate, S.R.No.4490

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rrs 06/02/2019