

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.9488 of 2020

and

CrI.MP.Nos.4260 & 4261 of 2020

Ananda Padmanaban Parthasarathy,
S/o.Parthasarathy Govindasamy,
C-3, Mangala Lakshmi Nagar,
Mathana Anthapuram,
Porur,
Chennai-16

... Petitioner/Accused

Vs.

1. The State,
The Inspector of Police,
All Women Police Station,
Mylapore,
Chennai.
(Cr.No.05 of 2020)

2. Janani,
D/o.Jayaseelan,
No.13, 1st Floor,
Dr.Natesan Salai,
Ashok Nagar,
Chennai-83

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in Crime No.05 of 2020 on the file of the Inspector of Police, All Women Police Station, Mylapore, Chennai and quash the same in respect of the petitioner concerned.

For Petitioner : Ms.R.Saranya

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

O R D E R

This petition has been filed to quash the F.I.R. in Crime No.5 of 2020 registered by the first respondent police for

offences under Sections 376, 420 and 506(i) of IPC, as against the petitioner.

2. The case of the prosecution is that the second respondent, who is an architect and working as faculty in ICAT design Media College at Mylapore, Chennai became the friend of the petitioner through a dogs rescue whats-app group. The petitioner approached her with a proposal to love and marry him, and he also promised to marry her as such she accepted the love. While being so, he got money to the tune of Rs.3.88 lakhs from her on various dates. Later she requested him to arrange marriage between them, but he told that his family will not accept their love and wanted some time to convince them. However, later refused to marry her and also failed to repay the said money. Therefore, the second respondent lodged a complaint against the petitioner for criminal intimidation, fraud, cheating, and forceful physical contact by false promising to marry, and the first respondent police filed a case against the petitioner in crime No.5 of 2020 for the offences under Sections 376, 420 and 506(i) of IPC.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged in the complaint. He further submitted that the petitioner also sincerely loved the second respondent. While being so, she gave some amount of money to the said dogs rescue. But when he came to understand that she got illicit relationship with one, Naresh, he broke up the love with the second respondent. Thereafter, the second respondent illegally demanded a sum of Rs.3.88 lakhs, and when the petitioner refused the same, she has made the present complaint with false allegations. Hence he prayed to quash the FIR in crime No.5 of 2020 on the file of the first respondent Police.

4. The learned Additional Public Prosecutor would submit that the investigation is under progress and the respondent police will file final report after conducting detailed investigation.

5. Heard Ms.R.Saranya, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the first respondent Police.

6. It is seen from the First Information Report that there are specific allegations as against the petitioner to attract the offences, which has to be investigated in depth. Further the FIR is not an encyclopedia and it need not contain all facts and it cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The

investigating machinery has to step in to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

7. It is relevant to rely upon the judgment of the Hon'ble Supreme Court of India passed in Crl.A.No.255 of 2019 dated 12.02.2019 in the case of Sau. Kamal Shivaji Pokarnekar vs. the State of Maharashtra & ors., as follows:-

"4. The only point that arises for our consideration in this case is whether the High Court was right in setting aside the order by which process was issued. It is settled law that the Magistrate, at the stage of taking cognizance and summoning, is required to apply his judicial mind only with a view to taking cognizance of the offence, or in other words, to find out whether a prima facie case has been made out for summoning the accused persons. The learned Magistrate is not required to evaluate the merits of the material or evidence in support of the complaint, because the Magistrate must not undertake the exercise to find out whether the materials would lead to a conviction or not.

5. Quashing the criminal proceedings is called for only in a case where the complaint does not disclose any offence, or is frivolous, vexatious, or oppressive. If the allegations set out in the complaint do not constitute the offence of which cognizance has been taken by the Magistrate, it is open to the High Court to quash the same. It is not necessary that a meticulous analysis of the case should be done before the Trial to find out whether the case would end in conviction or acquittal. If it appears on a reading of the complaint and consideration of the allegations therein, in the light of the statement made on oath that the ingredients of the offence are disclosed, there would be no justification for the High Court to interfere.

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9. Having heard the learned Senior Counsel and examined the material on

record, we are of the considered view that the High Court ought not to have set aside the order passed by the Trial Court issuing summons to the Respondents. A perusal of the complaint discloses that prima facie, offences that are alleged against the Respondents. The correctness or otherwise of the said allegations has to be decided only in the Trial. At the initial stage of issuance of process it is not open to the Courts to stifle the proceedings by entering into the merits of the contentions made on behalf of the accused. Criminal complaints cannot be quashed only on the ground that the allegations made therein appear to be of a civil nature. If the ingredients of the offence alleged against the accused are prima facie made out in the complaint, the criminal proceeding shall not be interdicted."

8. In view of the above discussion, this Court is not inclined to quash the First Information Report. Accordingly, this Criminal Original Petition stands dismissed. However, the first respondent is directed to complete the investigation in Crime No.5 of 2020 and file a final report within a period of twelve weeks from the date of receipt of copy of this Order, before the jurisdiction Magistrate, if not already filed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1. The State,
The Inspector of Police,
All Women Police Station,
Mylapore,
Chennai.

WEB COPY

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.9488 of 2020

MR(CO)
CS/19/08/2020



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