

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.24054 of 2019

and

CrI.M.P.Nos.12752 and 12753 of 2019

Mr.Manojkumar

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by Inspector of Police,
All Women Police Station,
Kancheepuram.

2. Tmt. E.Malini

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in S.C.No.17 of 2019 pending on the file of the Mahila Court, Chengalpet and quash the same as against the petitioner herein.

For Petitioner : Mr.K.M.Mrithunjayan

For Respondents : Mr.M.Mohamed Riyaz (for R1)
Additional Government Pleader

: No appearance (for R2)

O R D E R

This petition has been filed by accused No.2 to quash the proceedings against him in S.C.No.17 of 2019 on the file of the Mahila Court, Chengalpet.

2. When this matter came up for hearing on 24.01.2020, Mr.K.G.Senthilkumar, learned counsel for the second respondent has submitted that he is reporting "No instruction" for the second respondent. Considering the same, the Registry was directed to print the name of the second respondent in the cause-list. Accordingly, the name of the second respondent was printed in the cause-list, but the second respondent has not appeared either in person or through counsel. Hence after hearing the arguments of the learned counsel for the petitioner

and the learned Additional Public Prosecutor appearing for the first respondent and on perusing materials placed before this Court, order is being passed in this petition.

3. The learned counsel for the petitioner has submitted that based on the complaint lodged by the second respondent herein, the Inspector of Police, All Women Police Station, Ranipet, has registered an FIR in Crime No.13 of 2015 on 06.04.2015 under Sections 417, 506 (i) of IPC against one Karthikeyan(A4). He further submitted that subsequently the said FIR was transferred to the first respondent herein and the first respondent herein has registered the FIR in Crime No.7 of 2015 under Sections 417, 376, 506 (ii) and 109 of IPC. He further submitted that in the said FIR, the only allegation made against the petitioner is that he introduced the defacto complainant/ second respondent to the Accused No.1 and except the said allegation, no other allegation has been made against the petitioner. He further submitted that in the statement which was recorded under Section 161(3) of Cr.P.C also, the defacto complainant/second respondent has stated that the petitioner herein has introduced her to the Accused No.1 and subsequently, the accused No.1 had sexual relationship with the defacto complainant by giving false promise that he will marry her, but thereafter, he refused to marry her and thereby cheated her. He further submitted that when the defacto complainant has made request to the accused No.1, he refused to marry her and intimidated her. Therefore, the entire allegations are against A1 only and therefore, he prayed to quash the proceedings against the petitioner herein.

4. Per contra, the learned Additional Public Prosecutor has submitted that the petitioner herein, accused No.1 and the defacto complainant/second respondent were working as Assistant Professors in Arul Migu Meenakshi Amman Engineering College, Thiruvannamalai District and at that time, the petitioner has introduced the defacto complainant with the accused No.1 and thereafter accused No.1 and defacto complainant loved each other and subsequently he had sexual relationship with her by giving false promise. He further submitted that thereafter, the petitioner herein informed the defacto complainant that the marriage has been fixed for accused No.1 with another girl and he frequently instigated her to talk with accused No.1. Therefore, the prima facie case is made out against the petitioner to proceed further and hence he requests to dismiss this petition.

5. A perusal of the FIR shows that the petitioner herein, accused No.1 (Karthikeyan) and the defacto complainant/second respondent were working as Assistant Professors in a Private Engineering College at Thiruvannamalai

District. The defacto complainant further stated that the petitioner herein introduced her with the accused No.1 and thereafter accused No.1 and herself loved each other and taking advantage of the same on 06.02.2015, the accused No.1 had sexual relationship with her by giving false promise that he will marry her. She further stated that subsequently the petitioner has informed her that marriage for accused No.1 was fixed with another girl and after that, she made requests to accused No.1 to marry her and at that time, both the accused criminally intimidated her but except the aforesaid allegations, no other allegation was made against the petitioner. The defacto complainant has not specifically stated that when the petitioner herein has made such criminal intimidation with her. Further she has not stated that due to the said threatening she really got frightened. Therefore, it appears that, the aforesaid allegations were made only with a view to rope the petitioner in the aforesaid case.

6. For the aforesaid reasons, this Court is of the view that the continuation of the proceedings against the petitioner herein would amount to abuse of process of court. Hence, this Court is inclined to allow this petition. Accordingly, the proceedings against the petitioner herein in S.C.No.17 of 2019 on the file of the Mahila Court, Chengalpet are hereby quashed. The trial Court is directed to proceed against the accused No.1 and dispose of the case in S.C.No.17 of 2019 uninfluenced by the observations made by this court in this order.

7. In the result, this Criminal Original Petition is allowed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

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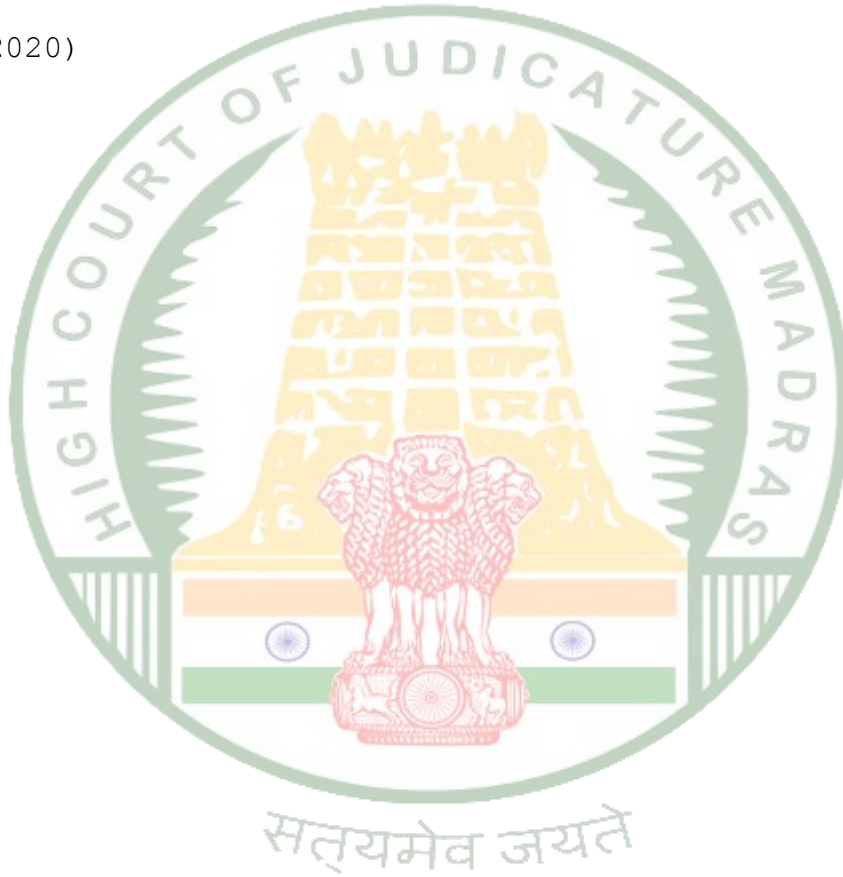
1. Inspector of Police,
All Women Police Station,
Kancheepuram.
2. The Mahila Court,
Chengalpet.

3. The Public Prosecutor,
High Court, Madras.

+2 Ccs to Mr.K.M.Mrithunjayan, Advocate sr 14156.

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SP(16/03/2020)



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