



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2020

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRL.O.P.(MD)No.10059 of 2020 and

CRL.MP(MD)No.4672 of 2020

WEB COPY

I.Kalanthar Ashik Ahamed M/A

... Petitioner/Sole Accused

vs.

1)The State Rep. by
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.55 of 2020)

... Respondent/Complainant

2)The Deputy Superintendent of Police,
Thiruvadanai Sub-Division,
Ramanathapuram District.

3)Bobby Rajalakshmi

... Respondents/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the case in Crime No.55 of 2020 pending on the file of the Inspector of Police, Thondi Police Station, Ramanathapuram District, and quash the same as against the petitioner.

For Petitioner	: Mr.R.Anand
For R1 & R2	: Ms.S.E.Veronica Vincent Government Advocate(Crl.Side)
For R3	: Mr.N.Anandakumar

O R D E R

This Criminal Original Petition has been filed to call for the entire records pertaining to the case in Crime No.55 of 2020 for the offences under Sections 294(b), 354A, 3(1)(r), 3(1)(s) and 3(1)(w) (ii) of SC/ST (POA) Act, pending on the file of the Inspector of Police, Thondi Police Station, Ramanathapuram District, and quash the same as against the petitioner.

2.The specific contention of the learned counsel for the petitioner is that while filing this case, the defacto complainant herself has given an affidavit that no such occurrence had taken place as stated in the FIR and he produced the affidavit dated 24.10.2020. To find out the truth in the affidavit, the Police was directed to bring the defacto complainant before this Court.

3.Today, the defacto complainant is present before this Court and she had ascertained that the affidavit dated 24.10.2020 was sworn by her. The contents of the affidavit reads as follows:-

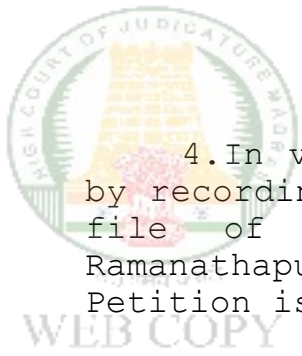


''1. I further state that I am the 3rd respondent herein as well as the de-facto complainant of the case in hand and presently with a view to exposit the real truth with regard to the registration of present F.I.R., as a law abiding citizen, through this affidavit, I am before this Honble Court and as such I am well acquainted with the facts and circumstances of the case.

2. I further state that it is true that the so called F.I.R. vide Crime No. 55 of 2020 was registered as against the petitioner herein for the offences under sections 294 (b), 354A of I.P.C., 3(1) (r), 3(1) (s) and 3(1) (w) (ii) of SC/ST (Prevention of Atrocities) Act 1989. Admittedly at the time of registration of F.I.R., I was under the clamping of the 1st and 2nd respondents and infact, during such point of time, I was made to do everything as dictated by them and virtually I had also become option less except to act pursuant to their tunes.

3. I further state that I make it very clear that the references that have been found in the said F.I.R. which categorizes me as if I have practiced medicine without any authority would by itself prove that no such statement committing myself could have been given by me in the nature of a complaint so as to convert it as the present FIR. and the said wrongful assertion noted therein would also obliterate the other portion of the narration i.e. the allegation of behavior attempted to be committed by the petitioner and my concrete stand in this regard is that neither my version was found available in the said F.I.R. nor I have volunteered myself to give such a complaint as against the petitioner.

4. I further state that after knowing the fact that the registration of the present F.I.R. has caused much hardship to the petitioner who is an advocate by profession. I have also made up my mind to help him so as to get him wriggled out from this unwanted litigation and hence if the 1st respondent sticks upon his version found available in the F.I.R., I can go to the extent of saying that is not my version and if it is placed as my version before this Hon'ble Court, I make it very clear that I may not have any grievance in whatever form, if the case registered against the petitioner is being wiped out from the records of the 1st respondent police station. This decision is taken purely on my own volition since I never used to be a reason for the others sufferings.''



4. In view of the statement made by the defacto complainant and by recording the above affidavit, FIR in Crime No.55 of 2020 on the file of the Inspector of Police, Thondi Police Station, Ramanathapuram District, is quashed and this Criminal Original Petition is allowed. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1)The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

2)The Deputy Superintendent of Police,
Thiruvadanai Sub-Division,
Ramanathapuram District.

3)The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
Crl.O.P.(MD)No.10059 of 2020
DATED : 01.12.2020

na (CO)
TR(10.12.2020) 3P 4C