



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

Cr1.O.P.No. 11285 of 2016

1.C.Moses
2.Chandran
3.Joshua

...Petitioners

-Vs-

1. The State
Represented by The Inspector of Police,
W35, All Women Police Station,
Tambaram, Chennai-600 0145.

2. Kanchana @ Cathern

...Respondents

Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.366 of 2013 on the file of the Judicial Magistrate, Tambaram, and quash the same.

For Petitioner : Mr.M.Mushtaq Ahmed
For R1 : Mr.E. Raj Thilak
Counsel for Govt. of Tamil Nadu
(Criminal Side)

For R2 : Notice (Not Ready)

ORDER

This petition is filed to quash the proceedings pending against the petitioners in C.C.No. 366 of 2015 on the file of the Judicial Magistrate, Tambaram.

2. The case of the petitioners is that the first petitioner and the de-facto complainant's family members had decided the 1st petitioner's marriage proposal with the de-facto complainant named Kanchana @ Catherin on 03.03.2014. The 1st petitioner's father demanded 50 sovereigns of gold and one Indica car, but the de-facto complainant's family agreed to give 20 sovereigns of gold. Thereafter, he spoke with the de-facto complainant frequently over phone under the pretext of marriage. On 05.06.2014, he called upon her over phone to come to Vandaloor



Zoo to discuss about their marriage. After her parents consent, she went Vandaloore Zoo and met him and he misbehaved with her. Thereafter, he threatened her that he would stop the marriage and vilified about the character of the de-facto complainant. The marriage between the first petitioner and the de-facto complainant was stopped due to the appeal made by the de-facto complainant to the first petitioner saying that she is having a love affair with some other person and she is not at all interested in the marriage with him. Therefore, the petitioners stopped the marriage by writing to the CSI Wesley Church, Poonamallee, assigning the said reason. The Presbyterian of the said Church, in turn, wrote a letter to his counterpart of Athisayanathar Aalayam, Malayambakkam about the stoppage of marriage. Therefore, the defacto complainant and her family members were very well aware about the stoppage of marriage and the reason for such stoppage.

3. The learned counsel appearing for the petitioner contended that the de-facto complainant and her family went to the Church on 07.07.2014, and there were no presence of petitioners or their relatives for marriage or figments of imagination of the de-facto complainant and her family. The de-facto complainant and her family only with vested interest have filed the above complaint and the police also without proper enquiry, have filed final report in this case. Hence, the petitioners prayed to quash the proceedings in C.C.No. 366 of 2014 pending on the file of the Judicial Magistrate, Tambaram.

4. The learned counsel for the petitioners would contend that the proceedings is liable to be quashed since there is no document to prove the charges levelled against these petitioners. Except the copy of the complaint, there is no proof to prove the incident.

5. Per contra, the learned Government Advocate (Criminal Side) would submit that some of the witnesses have been examined by the respondent police during investigation and charge sheet was laid. He would further submit that in this case, almost trial has been completed and the case is pending at the stage of passing final orders.

6. Heard Mr.M.Mushtaq Ahmed, learned counsel appearing for the petitioner and Mr.E.Raj Thilak, learned Government Advocate (Criminal Side) appearing for the respondent/State and perused the materials placed on record.

7. On perusal of the records, it is seen that the petitioners had arranged the marriage between the 1st petitioner and the defacto complainant on 07.07.2014 and the 1st petitioner and his family members circulated the marriage invitation card



to the relatives, friends and neighbours. While so, the 1st petitioner by giving a false promise that he will marry the de-facto complainant on the fixed date, had taken the de-facto complainant to Vandalur Zoo and misbehaved with her. The de-facto complainant was shocked by the act of the 1st petitioner and had escaped from that place. Thereafter, the 1st petitioner refused to marry the de-facto complainant and cheated her. The defacto complainant preferred a complaint before the respondent police. The First Information Report came to be registered by the respondent police in Crime No.49 of 2014 for the offences under Sections 417 and 420 of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act against the petitioners. After completion of investigation, the respondent police filed a charge sheet before the learned Judicial Magistrate, Tambaram in C.C.No. 366 of 2015. Against which, this criminal original petition has been filed and the stay has also been granted.

8. Further, as contended by the learned Government Advocate appearing for the respondent, in this case, trial is almost completed and the case is pending at the stage of passing final orders. Further, on 27.04.2021, this Court vacated the interim stay granted and directed the trial Judge to complete the proceedings within a period of two months. Since the trial is completed, this Court is not inclined to quash the said proceedings.

9. Therefore, this Criminal Original Petition is liable to be dismissed and accordingly, the same is dismissed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

msm

To

1. The Judicial Magistrate, Tambaram.
2. Do Thro The Chief Judicial Magistrate
Egmore, Chennai
3. The Inspector of Police,
W35, All Women Police Station,
Tambaram, Chennai-600 0145.



4. The Public Prosecutor,
High Court, Madras.

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+2 Ccs to Mr.M.Mushtaq Ahmed, Advocate sr 28766.

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PL (CO)
SP (18/10/2021)