

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.OP.No.353 of 2021

and

Crl.MP.No.173 of 2021

Ayyanar

...Petitioner/Accused-4

.Vs.

1.State rep.by

The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District.
(Crime No.19 of 2020)

...1st Respondent/
Complainant

2.Sundarrajan

... 2nd Respondent/
De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the first information report in Crime No.19 of 2020, pending investigation on the file of the 1st respondent police, quash the same as far as this petitioner is concerned.

For Petitioner : Mr.A.Balamurugan

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R 1

M.S.Praveen Kumar
for R 2

ORDER

This criminal original petition has been filed seeking to quash the FIR in Crime No.19 of 2020, pending investigation on the file of the 1st respondent.

2.The case of the prosecution is that the daughter of the 2nd respondent developed a relationship with A-1, who is the son of the petitioner. It is stated that the daughter of the 2nd respondent at the relevant point of time was a minor. On 31.10.2019, the daughter of the 2nd respondent went missing from the house. It is stated that she eloped along with A-1 and in the course of the same transaction, the friends of A-1 viz; A-2 and A-3 also were involved. Ultimately, the daughter of the 2nd respondent is said to have married the son of the petitioner on 01.11.2020. A complaint was given by the parents of the victim girl and an FIR came to be registered in Crime No.19/2020, by the 1st respondent for an offence under Section 363, 366 and 366 (A) IPC.

3.The petitioner who is the father of A-1 has been added as A-4 in this case on the ground that he permitted the daughter of the 2nd respondent and A-1, to stay at his house.

4.Heard Mr.A.Balamurugan, learned counsel for the petitioner, Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the 1st respondent and Mr.S.Praveen Kumar, learned counsel appearing on behalf of the 2nd respondent.

5.This Court carefully went through the 164 statement recorded from the victim girl. This is the only material that is put against the petitioner. A reading of the 164 statement shows that the victim girl nowhere has spoken about the involvement of the petitioner in the entire incident. There is a stray reference made by the victim girl to the effect that after the marriage was performed between A-1 and the victim girl, he is said to have called the parents and had spoken with them.

6.In the considered view of this Court, this stray allegation made in the 164 statement can never be a material to rope in the petitioner as an accused person in this case. In fact, the continuation of the proceedings against the petitioner will amount to an abuse of process of law.

7.The learned Additional Public Prosecutor appearing on behalf of the 1st respondent Police submitted that the investigation has been completed and a final report has been filed on 13.01.2021, before the Mahila Court, Krishnagiri in FR 4/21 and this petitioner has been arrayed as A-4 in the final report.

8.In view of the above findings given by this Court, the FIR in Crime No.19 of 2020, on the file of the 1st respondent is quashed insofar as the petitioner is concerned.

There shall be a direction to the 1st respondent to alter the final report by deleting the name of the petitioner and file the altered final report before the Mahila Court, Krishnagiri, within a period of two weeks from the date of receipt of a copy of this order. The Mahila Court, Krishnagiri, immediately on receipt of the final report shall act upon the same within a period of four weeks thereafter.

9.This criminal original petition is allowed with the above directions. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District.
2. Mahila Court,
Krishnagiri.
3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.A.Balamurugan, Advocate sr 13371.

+1 CC to Mr.S.Praveen Kumar, Advocate sr 13782.

सत्यमेव जयते

Cr1.OP.No.353 of 2021

RGN (CO)
SP (08/03/2021)

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