

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.3211 of 2021

Ganesh Kumar

..Petitioner/Accused

Vs.

1. The Inspector of Police,
All Women Police station,
Vellore.

..1st respondent/Complainant

2. Sai Prasanthi

..2nd Respondent/Defacto
complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned FIR registered in Crime No.18 of 2020 on the file of the Inspector of Police, All Women Police Station, Vellore.

For Petitioners : Mr.M.R.Senthilkumar for R1
For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor
Mr.K.Govindarajan for R2

ORDER

This Criminal Original petition has been filed to quash the F.I.R in Crime No. 18 of 2020 for an offence under Section 417 and 506(i) of IPC.

2.The case of the prosecution is that the petitioner got in touch with the 2nd respondent through face book and he called the 2nd respondent to his quarters and he had intercourse with the 2nd respondent, which was captured in the video. Thereafter, the petitioner is said to have repeatedly threatened the 2nd respondent with those videos and called her repeatedly to the quarters. That apart, the petitioner is also said to have sent those videos to some others. The further allegation made in the complaint is that the petitioner had indulged in such illegal act with many other women also. Ultimately, when the 2nd respondent was insisting the petitioner to marry her, the petitioner is said to have threatened her and abused her in

filthy language and subsequently, the petitioner also got married to some one.

3.The respondent police in the course of investigation were taking steps to apprehend the petitioner based on the materials collected by them. The petitioner immediately filed a petition for Anticipatory bail. An impression was given as if there are certain audio clips between the petitioner and the 2nd respondent, which will be produced before the investigation officer and therefore, an opportunity was sought for before this Court to direct the investigation officer to take into account those audio clips. This Court also gave interim protection to the petitioner and directed the investigation officer to take into account the conversation that took place between the petitioner and the 2nd respondent in those audio clips.

4.In the meantime, this quash petition was filed before this Court on the ground that the parties have compromised. This Court issued notice to the 2nd respondent and she was also present at the time of hearing. Since the quash petition was filed before this Court, the anticipatory bail petition filed by the petitioner was withdrawn.

5.This Court examined the 2nd respondent. On examination, this Court found that the 2nd respondent was not willing for a compromise. When this Court ascertained the reason, the 2nd respondent stated that the petitioner had ruined her life and had taken videos without the knowledge of the 2nd respondent and had even circulated to some of the persons. The 2nd respondent also brought to the notice of this Court one such video. The 2nd respondent categorically stated that the petitioner has already married and he is working in the police department and he has threatened the 2nd respondent and therefore, the 2nd respondent left with no other option, had come before this Court and has explained the entire facts.

6.The learned Additional Public Prosecutor appearing on behalf of the respondent police vehemently opposed the FIR being quashed on the ground of compromise. The learned Additional Public Prosecutor submitted that this is a case which involves larger public interest and the petitioner having indulged in activities with moral turpitude, cannot be let free and the respondent police are going to continue with the investigation and file a final report before the concerned court.

7.The learned counsel for the petitioner submitted that if this Court is going to deal with the case on merits, permission should be granted to withdraw the petition.

8.The request made by the learned counsel for the petitioner to withdraw this petition is out right rejected. Considering the seriousness of the allegation made by the 2nd respondent in this case and also considering the fact that the petitioner is said to be working in the police department, this case requires further investigation. The respondent police will have to ascertain if this petitioner had indulged in similar activities with some other women also, in the course of investigation.

9.Taking into consideration the seriousness of the allegation and also of the fact that the petitioner has gone to the extent of capturing videos without the knowledge of the victim girl, this Court deems it fit to transfer the investigation in this case to CBCID, Vellore. The 1st respondent is directed to immediately hand over the entire case diary to the Inspector of Police, CBCID, Vellore, within a period of one week from the date of receipt of a copy of this order. The Superintendent of police, CBCID, Chennai, in the meantime shall prepare the proceedings transferring the case to the file of CBCID, Vellore. Immediately on receipt of the case diary, the Inspector of Police, CBCID, Vellore shall commence the investigation and ensure that the entire incriminating materials are secured. Considering the fact that there is a threat to the 2nd respondent, necessary protection shall be given. In the course of investigation, it shall also be ascertained whether this petitioner had indulged in similar such activities with any other women.

10.In the result, this criminal original petition is dismissed with the above directions.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of police, CBCID, Vellore
 2. The Inspector of Police, CBCID, Vellore,
 3. The Inspector of Police, All Women Police station, Vellore.
 4. The Additional Public prosecutor, High Court Madras.
- +cc to Mr.M.R.Senthil Kumar, Advocate Sr.No.13450

Cr1.O.P.No.3211 of 2021

GPL (CO)

baf 04/05/2021