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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P. No.13260 of 2021
and Crl.M.P. No.7286 of 2021

Barath @ Barathkumar ... Petitioner

Versus

1. The Inspector of Police,
   Ambur All Wome Police Station,
   Ambur,
   Thirupaththur District.
   (Crime No.6/2021)

2. Nandhini ... Respondents

Criminal original petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Cr.No.6 of 2021 on the file of the first respondent police pending investigation and quash the same.

For Petitioner : Mr. B.Thiyagarajan

For Respondent -1 : Mr. A.Damodaran
Counsel for Govt. of Tamilnadu
(Criminal Side)

O R D E R

The petitioner accused in Cr.No.6 of 2021, for the offence under Section 376, 417, 420 and 506 (i) IPC, has filed this quash petition.

2. The contention of the petitioner is that the de facto complainant is a total stranger to the petitioner and he is not aware of the de facto complainant. The petitioner was in love with only one Vijavarshni and both eloped and got married on 09.05.2021. The father of Vijavarshini instigated the second respondent to lodge a false complaint against the petitioner. The second respondent lodged a complaint to the first respondent on 21.06.2021 and FIR was registered on the same day. Learned counsel for the petitioner states that in the complaint of the second respondent, it is mentioned that on 24.06.2021, the

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second respondent informed the petitioner that she would commit suicide and this clearly shows that it is a false complaint. He further submitted that the petitioner has been falsely implicated in this case and hence seeks to quash the FIR.

3. Learned Government Counsel (Criminal Side) submitted that the petitioner and the second respondent hail from the same place and they were in love with each other. The second respondent was working as a nurse in Manipal Hospital, Bangalore. The petitioner used to visit her during weekends and they had spent joyful time together by visiting malls, hotels and other places. On 03.03.2021, when the second respondent was alone at home, the petitioner forced her to have physical relationship despite objections by the second respondent. After having physical relationship, he promised the second respondent that he would marry her and the physical relationship continued later. On contrary, he had now married one Vijavarshini. Thereafter the petitioner had lodged a complaint before the respondent police and the case was registered, accused was arrested and investigation is in progress. Therefore, he seeks to dismiss this petition.

4. This Court finds that the complaint lodged against the petitioner is serious in nature. The petitioner promised the second respondent to marry her and physically exploited her. Both the petitioner and the de facto complainant have been subjected to medical examination and the medical report is in conformity to the case of the prosecution. The date mentioned as 24.06.2021, in the complaint is a mistake committed, due to emotional and physchological breakdown of the defacto complainant and her state of mind at that time. Later while examination, she had clarified the same and the statement recorded giving explanation. Other than this, all other aspects are in conformity to the case of the prosecution. The petitioner had committed grave offence. Investigation is still in progress. In view of the same, this Court is not inclined to entertain this petition. The respondent police to conclude investigation within a stipulated time and to file the final report without delay.

5. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
   Ambur All Wome Police Station,
   Ambur,
   Thirupaththur District.

2. The Public Prosecutor,
   Madras High Court.

Crl.O.P. No.13260 of 2021

AJS(CO)
RLP(23/08/2021)

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