



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Cr1.O.P.No.20096 of 2017
and
Cr1.M.P.No. 12110 of 2017

Venugopal

..Petitioner/2nd Accused

Vs.

1. The Inspector of Police,
All Women Police Station,
Polur,
Tiruvannamalai District.

... 1st Respondent/Complainant

2. Sarala

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure (Cr.P.C) call for the records in Crime No.05 of 2016 pending on the file of the 1st respondent and quash the same.

For petitioner : Mr.S.Jawahar

For respondents : Mr.R.Kishore Kumar for R1
Government Advocate (crl.side)
No appearance for R2

O R D E R

This Criminal Original Petition has been filed to quash the complaint in Crime No.05 of 2016, pending on the file of the 1st respondent.

2.Heard the learned counsel appearing for the petitioner as well as Mr.R.Kishore Kumar, learned Government Advocate (Criminal Side) appearing for the first respondent. There is no representation on behalf of the second respondent. Perused the materials available on record.

3. The learned counsel appearing for the petitioner



submitted that the alleged physical affairs had taken place with the consent of the second respondent. Hence, offence under Section 376 of the Indian Penal Code, cannot be made out. Therefore, investigation against A.2 will not serve any purpose of investigation.

4. The allegation against A.1 is serious. Allegation against A.2, who is the brother of A.1, threatened the defacto complainant orally. First Information Report itself indicate that A.1 and defacto complainant were on a physical relationship with each other. On the promise made by the first accused, the defacto complainant had physical affairs with him. Whether there is a misconception of fact or not has to be investigated by the Investigation Officer.

5. As far as A.2 is concerned, he has allegedly threatened the defacto complainant verbally. Such allegation even if taken as a proof, same would not constitute an offence of Section 506 (ii) of the Indian Penal Code. Hence F.I.R against A.2 is quashed. Prosecution against A.1 is to be continued and investigation Officer should file a report within a period of month.

6. In view of the above observation and direction, this Criminal Original Petition is closed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

shk/mvs

To

1. The Inspector of Police,
All Women Police Station,
Polur, Tiruvannamalai District.

2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.B.Jawahar, Advocate SR.No.61447

CrI.O.P.No. 20096 of 2017

GJ(CO)
GN(23/12/2021)