



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Crl.O.P. No.28806 of 2017

and

Crl. M.P. No.16293 of 2017

1. D. Dhanapal,
2. D. Murugan,
3. D. Karuppannan,
4. R. Prabhu @ Kani

...Petitioners

Vs.

1. The State rep. by
The Inspector of Police,
Mecheri Police Station,
Salem District.

... 1st Respondent / Respondent

2. Ramya

... 2nd Respondents / Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records the FIR in Crime No.548 of 2017 on the file of the 1st respondent and quash the proceedings in so far as the petitioners are concerned.

For Petitioner : Mr. A. Esakkiappan

For Respondent-1 : Mr.E. Raj Thilak
(Counsel for Govt. (Crl. Side))

For Respondent-2 : Mr. K. Balu

O R D E R

This Criminal Original petition has been filed under Section 482 Cr.P.C. seeking for to call for the records the FIR



in Crime No.548 of 2017 on the file of the 1st respondent and quash the proceedings in so far as the petitioners are concerned.

2. The case of the prosecution is that one Karthick who arrayed as Accused 1 in the Crime No.548 of 2017 approached and compelled to marry the defacto-complainant and to harass the defacto-complainant for the past one year. During such incidents, the petitioners herein were accompanying with Karthick-A1 and teasing the defacto-complainant. Hence, the defacto-complainant/2nd respondent herein lodged the complaint against the petitioners herein. On the complaint, the 1st respondent had registered the case on 10.12.2017 in Crime No.548 of 2017 for the offence punishable under Sections 354(A) 1 (ii), 354 (D), 506(ii) of I.P.C. r/w. 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 against the petitioners.

3. The learned counsel for the petitioners would submit that the defacto-complainant and the said Karthick-A1 are neighbors and relatives. On 06.12.2017 at 1.30 am, the defacto-complainant's relatives attacked the said Karthick-A1 and later he was admitted in the Hospital, Mettur on 07.12.2017. On that connection, the 1st respondent police had registered the case on 10.12.2017 against the defacto-complainant's father and her relative under Section 294(b) and 323 of I.P.C. While the incident was occurred on 06.12.2017, the complainant made complaint on 10.12.2017 after a lapse of 4 days. Hence, the 1st respondent without considering the aforesaid factual position, had registered the FIR in Crime No.548 of 2017 against the petitioners.

4. It has been further submitted that the petitioners have no way connected in this case and no specific allegation against the present petitioners. Moreover, the 3rd petitioner is working as Police Constable at Salem Prison and he was appointed in the year 2011. The Defacto-complainant purposely made a false complaint against the petitioners. Moreover, the first and second respondents have not whispered anything about the real facts either in the complaint as well as in the FIR. The complaint made by the defacto complainant is nothing but an abuse of process of Court. Hence, he prays to quash the FIR in Crime No.548 of 2017 registered against the petitioners herein.

5. The learned Government Advocate (Cr1. Side) would



submit that after the investigation, the petitioners have been registered for the aforesaid offences.

6. The learned counsel for the 2nd respondent would submit that the complainant is the relative of the Karthick-A1 in the term of as sister and the petitioners herein accompanying with Karthick, were teasing the defacto-complainant and have committed the aforesaid offence.

7. Heard, the learned counsel appearing for both sides and perused the material available on records.

8. On a perusal of the records and submissions made by learned counsel for both parties , since the petitioners are involved with the issues related to one Karthick-A1 as who is the relative of the de-facto- complainant in the terms of Sister, he ought not to have disturbed the defacto-complainant to marry him, the respondent police is directed to proceed with the investigation in this regard and take appropriate action on the petitioners.

9. With the aforesaid directions, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

lbm

To:

- 1.The Judicial Magistrate-II,
Mettur,
Salem District.
- 2.The Inspector of Police,
Mecheri Police Station,
Salem District.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.



Copy To:

The Section Officer,
Criminal Section Record,
High Court Madras.

+1cc to M/s.K.Balu, Advocate, S.R.No.42029

Cr1.O.P. No.28806 of 2017
and
Cr1. M.P. No.16293 of 2017

NR(CO)
SB(27/09/2021)