



CrI.O.P.No.4280 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2022

CORAM:

THE HON'BLE **MR.JUSTICE N.SATHISH KUMAR**

CRL.O.P.No.4280 of 2022
and CrI.M.P.No.2142 of 2022

1.Jeeva @ Jegadeshwaran

2.Mahendiran

3.Renukadevi

4.Mayuri

... Petitioners

Vs.

1.State: The Inspector of Police
All Women Police Station
Flower Bazaar
Chennai

2.Saranya

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the F.I.R. in Crime No.05 of 2019 dated 16.11.2019 on the file of the Inspector of Police, All Women Police Station, Flower Bazaar, Chennai.



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For Petitioners : Mr.M.P.Saravanan
For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor
For R2 : No Appearance

ORDER

This Criminal Original Petition is filed under Section 482 Cr.P.C. to call for the records pertaining to F.I.R in Crime No.05 of 2019, for the offence under Section 420 and 506(i) I.P.C, on the file of the Inspector of Police, All Women Police Station, Flower Bazaar, Chennai.

2.The F.I.R. sought to be quashed by the petitioners mainly on the ground that the offence alleged has not been attracted. It is the contention of the learned counsel for the petitioner that F.I.R has been filed for the offence under Section 420 and 506(i) I.P.C. Normally, this Court will not interfere with the quashing of F.I.R. during the pendency of the investigation, unless there are serious allegations. At the same time, when the very F.I.R. itself is registered without any basis, after thought and would constitute no offence, continuing the F.I.R. is nothing



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but only an harassment on the part of the petitioner. Court can very well intervene with such F.I.R.

3.The allegation in the F.I.R indicates that the defacto complainant and the petitioner had love affair for more than 10 years and they are also married on 04.07.2019. Thereafter, the petitioner appears to have sought some time to take her to his house. When they visited the house of the accused, the parents appear to have abused them. Except this allegation, there is no allegation has been made against the parents of the accused. The very content of the allegation is that they are married and had affairs for more than ten years, which indicates that they had consensual relationship and there is no materials or allegation in the F.I.R. to show that she was subjected to physical relationship due to deception played on the part of the accused to attract the offence of cheating. The deception or false promise should have been existed prior to the said act. Whereas, the entire F.I.R. clearly indicates that it is only a consensual relationship. Merely because there is a strained relationship, the same cannot be interpreted as cheating to attract the offence under Section 420



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I.P.C and with regard to the alleged offence under Section 506 (i) I.P.C. except the bald allegation against the parents no specific allegation has been made against them.

4.Such view of the matter, continuing the F.I.R. will not serve any purpose and at the same time, it is also submitted by the prosecution that despite the notice issued, the defacto complainant did not show any interest to appear before this Court. Despite the F.I.R. registered in the year 2019, no progress has been made till date. Therefore, this Court is of the view that it is a fit case to exercise its power under Section 482 Cr.P.C. to quash the F.I.R.

5.This Criminal Original Petition stands allowed accordingly. The F.I.R registered in Crime No.05 of 2019, for the offence under Section 420 and 506(i) I.P.C, on the file of the Inspector of Police, All Women Police Station, Flower Bazaar, Chennai is hereby quashed. Consequently, the connected miscellaneous petition is closed.



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To

1.The Inspector of Police
All Women Police Station
Flower Bazaar
Chennai

2.The Public Prosecutor
High Court of Madras
Chennai 600 104.



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N.SATHISH KUMAR, J.
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