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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28.10.2021

PRONOUNCED ON : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.12867 OF 2021

and

Crl.M.P.No.7104 of 2021

C.Sekar ...Petitioner/A-1

Vs.

1.The Inspector of Police,
Guduvanchery Police Station,
Chengalpattu District.

...1st Respondent

2.Anuradha ...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR dated 27.03.2021 in Crime No.231 of 2021 on the file of the 1st Respondent police.

For Petitioner : Mr.K.G.Senthilkumar

For Respondent : Mr.A.Damodaran
No.1

For Respondent : Mrs.Anuradha
No.2 party-in-person

ORDER

The petitioner, accused in Crime No.231 of 2021 for offences under Sections 294(b), 506(1) and 379 IPC, has filed this quash petition.

2. The contention of the learned counsel for the petitioner is that false complaint is lodged by the defacto complainant against the petitioner and one Venkatesh without any basis. This false complaint is with an intention to harass the petitioner and disrupt his peaceful living. Earlier to this complaint, the defacto complainant lodged two other complaints with similar set of facts with the same police station and on receipt of the first complaint dated



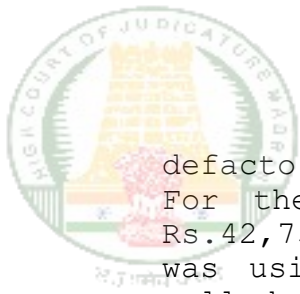
28.01.2021, CSR No.186 of 2021 assigned. Suppressing the same, the second complaint has been lodged on 27.03.2021. Now, on this complaint, case in Crime No.231 of 2021 has been registered.

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3.He further submits that the petitioner married the defacto complainant in the year 2006 and they have three children one boy and two girls. Due to some misunderstanding, they are living separately, one year prior to the alleged occurrence. The defacto complainant is residing in her parental house along with the children at Guduvancherry. When she moved to her parental house, she had taken away the two cars viz., Hyundai I 20 bearing registration No.TN 02 BF 5067 and Range Rover bearing registration No.TN 02 BD 9944. The petitioner had gone to the defacto complainant's house to meet his children, at that time, the petitioner was abused by his father-in-law, petitioner took back the Hyundai I20 car driven by his driver Venkatesh A2. Thereafter, the defacto complainant called and asked return of the car, at that time, the petitioner was threatened by her. 10 months thereafter, she lodged a complaint.

4. The learned counsel for the petitioner further submits that the defacto complainant, suppressing these facts, lodged a false complaint and she was constantly picking up fights with the petitioner with some ulterior motive. Later, she moved out from the matrimonial home with the children. The respondent police, on receipt of the complaint, in the name of enquiry under the influence of the defacto complainant, were constantly calling the petitioner for enquiry on various dates at odd hours and harassed the petitioner continuously. Suppressing the earlier complaint, on the same set of facts, the second complaint lodged and registration of the second complaint is not maintainable.

5.He further submits that the defacto complainant already married one Selva Kumar in the year 2005. Suppressing the same, the defacto complainant married the petitioner on 20.01.2006, which is registered. The petitioner purchased a property by registered sale deed dated 01.06.2006 in document No.2224 of 2006 in Anna Nagar and the property was settled in favour of the defacto complainant on 06.06.2011, in document No.1942 of 2011. Thereafter, the property mortgaged by the defacto complainant with PNB Housing Finance Ltd., on 03.04.2019 by document No.1494 of 2019. Further, he submits that the Hyundai I 20 car was taken by the defacto complainant during the month of May, 2020. The car met with an accident and got damaged. Thereafter, the defacto complainant called the petitioner to repair and service the car. Hence, the petitioner employed driver Venkatesh A2 to take the Hyundai I 20 Car and leave it in the service centre. The service centre informed that the vehicle could not be repaired there, since it needed major work. Hence, it was taken to the main service centre. Thereafter, the Hyundai Yard people had come to the



defacto complainant, took the vehicle for repair and service. For the same, the petitioner paid the service charges of Rs.42,750/-, on 13.06.2020. After the repair, the petitioner was using the car till July, 2020. The defacto complainant called the petitioner and informed that other car viz., Range Rover, which was used by her was not comfortable for her. Hence, she took the Hyundai I 20 Car during August first week. Few weeks later, the petitioner needed a vehicle for his use, hence, he called the defacto complainant and asked her to spare one of the vehicles. At that time, the defacto complainant informed that both the vehicles stand in her name and she would not give any of them. Thereafter, the petitioner left it at that stage. Now, a false complaint is made against him.

6. Further, the petitioner filed typed set with marriage certificate, E.C. copies showing that the Anna Nagar property was purchased by the petitioner and settled in favour of the defacto complainant. Further the Tax invoices show the service charges paid by the petitioner for both the cars, Range Rover as well as Hyundai I 20. Though the R.C. Book and registration of the Cars stand in the name of the defacto complainant, both purchased by the petitioner. Earlier, the defacto complainant lodged a complaint against the petitioner and a case in Crime No.502 of 2019 was registered by K4, Anna Nagar Police, which was quashed by this Court on 20.09.2019 in CrI.O.P.No.25325 of 2019 based on the compromise entered between them, in which, the defacto complaint appeared party-in-person, confirmed the compromise.

7. He further submits that the puberty function of his daughter took place on 18.05.2020, in which, the petitioner, defacto complainant and their children all participated. Further, submits that in CSR No.186 of 2021 dated 28.01.2021, it was recorded that the Range Rover car was driven by Balaji and Hyundai I 20 Car was driven by Manoj Kumar. Due to Corona Pandemic, the defacto complainant left the cars in Anna Nagar, gone to her parents' place. Thereafter, when she visited Anna Nagar, she found both the cars not available in her Anna Nagar residence and the drivers unable to be contacted. Hence, previous complaint made.

8. In that complaint, the defacto complainant stated, about the accident which took place on 22.05.2020 and on 23.05.2020 one Venkatesh A2 had come there on the instruction of Balaji, who is the driver of Range Rover Car and taken the vehicle for service. On the contrary, the above case in Crime No.231 of 2021 is registered. In the said complaint, she makes allegation that the petitioner, using A2, took away the Hyundai I 20 car and further, no allegation of taking away her Range Rover car is found. The petitioner provided all moral and financial support for the defacto complainant's education for her Law degree, getting enrolled as an advocate and using his contacts, defacto complainant got Government pleader post



in the City Civil Court, Chennai. Thus, for progression of her carrier, the petitioner played an active role, out of love and affection, further petitioner purchased properties not only in Anna Nagar, in several other places i.e. one flat in Anna Nagar, one at GKM Colony, another in Tailors Road and also purchased Jewels, all valid around Rs.3 Crores for the welfare of the defacto complainant and her children. After gaining all from the petitioner, the defacto complainant now wants to lead her own way of life and has now started making false allegations and deserted the petitioner. To consolidate the properties and its benefits, the defacto complainant has made false allegations. The petitioner appeared before the respondent police and gave his explanation narrating the above facts. Thus, the defacto complainant with ill motive, suppressing the earlier complaint, lodged a second complaint and got registered the present FIR, which is nothing but abuse of process of law and further, the apex Court, in the case T.T.Antony Vs. State of Kerala and others, reported in (2001) 6 Supreme Court Cases 181, held that registration of the second FIR on the same set of facts is not permissible and hence, quashed the second FIR, which is being consistently followed by the apex Court as well as this Court in the following judgements:

1.The case of Shekar Reddy Vs. State represented by Inspector of Police reported in 2018 SCC OnLine Mad 1955.

2.The case of K.R.Selvarajkumar Vs. State of Tamil Nadu rep.by its Inspector of Police and Another reported in 2020 SCC OnLine Mad 1399.

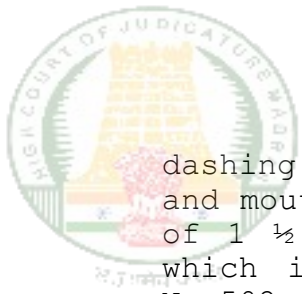
3.In the case of Krishna Lal Chawla and others Vs. State of Uttar Pradesh and another reported in (2021) 5 Supreme Court Cases 435.
Hence, prayed for quashing of the FIR.

9.The defacto complainant filed her counter affidavit along with typed set and submitted that her two cars viz., Range Rover bearing registration No.TN 02 BD 9944 and Hyundai I 20 bearing registration No.TN 02 BF 5067 were forcibly taken away from her by threatening and putting her life in danger by the petitioner with the aid of A2 Venkatesh. The defacto complainant being the owner of the vehicles was in possession of both the cars. The defacto complainant submitted proof to show that the petitioner took the vehicles by force and thereafter, gave the vehicles for service. The respondent police called the defacto complainant for enquiry on 18.02.2021. She appeared and produced necessary documents to prove that the vehicles were taken away by the petitioner. Thereafter, the respondent police called the petitioner and the petitioner appeared along with three advocates and gave statement in writing. Thereafter, no action taken. The



vehicles still remain with the petitioner. Again the defacto complainant appeared before the respondent police and produced some more documents she has collected to prove that the petitioner was in possession of the vehicles. Even then, the respondent police showed hesitation to register an FIR. After sustained perseverance, after several representations, finally, a case in Crime No.231 of 2021 was registered.

10. From the year 2006, the defacto complainant was subjected to continuous harassment. She was threatened to give huge sum of money, or else she would be killed. The petitioner would claim that he killed a person in front of a Magistrate in Egmore Court. In that case, even the Magistrate not identified the petitioner, such is the clout and power of the petitioner and he can deter any one from speaking against him. Further, it is not difficult for petitioner to kill the defacto complainant and project it as suicide and get away. The petitioner was associated with the persons in Kerala who used to perform Witchcraft and Black Magic. The defacto complainant was forced to drink and take rotten cut pieces of lemon with sandal powder and she was administered with several of such things in the guise of Pooja. Further, Kajal of different shapes were applied forcibly on her. Thus, she was continuously harassed. For the welfare of children, she undertook the ordeal. Finally, in the year 2019, when she was brutally attacked, her hands were broken and further, she was chased by the petitioner with 1 ½ feet knife to do away with her. She lodged a complaint with All Women Police Station with the help of Helpline. The petitioner is a man of dubious character, his whereabouts and movements are shady. Suddenly, he would disappear go underground for months and later appear. In the meanwhile, he would have indulged in some nefarious activities. He was in contact with red sand smugglers, with notorious persons and had a wide network and involves himself in these kind of activities. He has the patronage of police personnel and politicians and others. Hence, he is successfully indulging in these activities right from the year 2006 till date. The defacto complainant, without knowing the background and activities of the petitioner got entangled and with great difficulty, she extricated herself, moved away with the children. Now, the defacto complainant is facing threat for her life. Suspicious persons are following the defacto complainant to do away her. In fact, on one occasion she lodged a complaint to the Esplanade police about the suspicious persons following her. During enquiry, it was found that the petitioner's brother's son, one Balaji was following her, later, was enquired by the Esplanade police warned the said Balaji to keep away. The defacto complainant lodged a complaint on 02.03.2021 about two persons with closed full mask helmet following the defacto complainant's auto, using bullet bearing registration No.TN 19 AH 5678 no action taken. She further submitted earlier on 28.06.2019, she was brutally attacked by the petitioner holding her by hair and



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dashing her on the Wall causing serious injuries on her head and mouth, her hands got fractured. On 10.07.2019, with knife of 1 ½ feet, the petitioner chased the defacto complainant, which is recorded in the CCTV footage and a case in Crime No.502 of 2019 registered by Anna Nagar police for offences under Sections 341, 294(b), 323, 307, 506 (ii) IPC and Section 25(1)(a) of Arms Act, 1959. The petitioner filed an Anticipatory bail in CrI.M.P.No.14669 of 2019 before the Sessions Judge, Chennai. The Principal Sessions Judge, seeing the recordings of CCTV footage, finding the petitioner attacking the defacto complainant with 1½ feet knife, dismissed the Anticipatory Bail on 31.07.2019. Thereafter, the petitioner filed Anticipatory bail application before the High Court in CrI.O.P.No.21476 of 2019. The High Court by an order dated 28.08.2019 recording the petitioner's act of attacking the defacto complainant and he being a threat to the society, dismissed the Anticipatory bail application. Within 10 days, the petitioner managed to file another Anticipatory Bail petition in CrI.O.P.No.23940 of 2019 before this Court, by order dated 30.08.2019 on recording the affidavit filed by the petitioner that he will not interfere with the defacto complainant's life in future, and with properties, both movable and immovable, granted anticipatory bail. Within 20 days thereafter, he filed a quash petition in CrI.O.P.No.25325 of 2019 to quash the FIR in Crime No.502 of 2019 and got it quashed on the ground of compromise. The petitioner has service of battery of Lawyers who could do and manage anything. Even the affidavit of the defacto complainant was obtained by force. Fearing for her life and being threatened in the High Court campus, defacto complainant, being helpless, had no other way, she signed on compulsion. That is the network and power wielded by the petitioner, who despite committing serious offence can get things resolved by his brute force, money power and contacts and even get the approval of the Courts. The petitioner had no dearth for wealth. He can engage the service of eminent lawyers including senior counsels. The defacto complainant, with great difficulty is sustaining herself. The petitioner apprehends that any moment she would be done away by adopting any means and later would be projected as accident or mysterious death. She is lucky that she is still surviving.

11.Further, submitted that the petitioner got a battery of lawyers, who can advise him and wriggle him out from any situation. On the earlier complaint, driver Venkatesan was summoned to appear before the respondent police who gave a statement on 28.01.2021. He admitted that on the instruction of the petitioner he had gone to the defacto complainant's house, taken the car and given it to service. On 09.02.2021, the petitioner's statement was recorded by respondent police in which he confirms that the vehicle was with the defacto complainant from August 2020, both cars Range Rover and Hyundai I20 were not with him. This being so, during the course of investigation, after registration of Crime No.231 of



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2021, one Manoj Kumar appeared before the respondent police, produced a document, executed by the petitioner to show that the petitioner, on 17.08.2020 took an advance of Rs.80,00,000/- by cash and sold the car to the said Manoj Kumar. At one stage, the petitioner says that from August 2020, he was not aware about the vehicles, in the same breath, he produced a document dated 17.08.2020 to show that the petitioner had sold the Hyundai car to one Manoj Kumar. The defacto complainant found that no proper investigation was done by the respondent police and the respondent police appears to be complacent with the petitioner, she was unable to overcome the petitioner's power and networking. Hence defacto complainant lodged a complaint to the Superintendent of police about the happenings on 18.10.2021, informing that on 18.10.2021 at about 5.45 p.m. after attending the Court, while she was coming out of the High Court, she found her car I-20 Hyundai bearing registration No.TN 02 BF 5067 near the NSC Bose Road signal junction. Immediately, she alerted the traffic police there, who stopped the vehicle. From the vehicle, two persons got out, they were taken to the Esplanade police station, where, both the persons were enquired, who disclosed their identity and names as Murugan and Rajesh. Murugan's wife is the Panchayat Councillor of Cholavaram. Since they were unable to give proper reason for having possession of the vehicle which was seized by the Esplanade police thereafter it was handed over to Guduvancherry's police to continue the investigation. They also informed the Guduvancherry police, who informed that they were busy with some election duty and dearth of police personnel to be sent. Hence advised Esplanade Police to take the vehicle and custody of the persons and produce to Guduvancherry police. The Esplanade police sent the car and two persons along with two constables and handed over to the Guduvancherry police at 11.30 p.m., on 18.10.2021. Thereafter, the respondent police informed the defacto complainant that already it is late hours and asked the defacto complainant to come on the next day. On 19.10.2021, when the defacto complainant visited and enquired the Guduvancherry police, she was informed that two persons were let off, but the vehicle was detained. Sensing trouble, the petitioner arranged a predated legal notice dated 11.10.2021 and sent it to the defacto complainant stating that the legal notice had been issued on the instructions of one Ganesh who informed that he is a car dealer and Hyundai I-20 car was pledged with him. Further the notice had false allegations as though, the defacto complainant and the petitioner took a hand loan of Rs.2,80,000/-, in conformity to the earlier explanation given by Manoj Kumar, who produced documents on 17.08.2021. Thus, the twists and turns given projected an explanation as though it is a dispute between estranged husband and wife, which is now as a theft case and thus, the respondent police who are in complacent, wanted to close the case since car recovered. The defacto complainant, made an independent enquiry and found that the Range Rover car was available in India-Burma Border, Moresay village at



Manipur. On her sustained enquiry, she found that one Charles Singh, Assistant Commander of CRPF was in possession of the vehicle. On enquiry, Assistant Commandant claimed that he paid Rs.26,00,000/- to one Susil Dev for purchase of the Range Rover car. The Range Rover had run 38,793 kilo metres as on 30.06.2020, when it was finally located at Manipur it had run 78,110 kilo metres. The Range Rover was taken by petitioner's cousin brother Baskar, against him already CSR No.186 of 2020 assigned. It is an open secret that Indo Burma Border has got its own notoriety, it's a transit point for smuggling of red sanders, narcotic drugs etc.

12.The defacto complainant submits that knowing the activities of the petitioner and his networking she strongly believes that the vehicle Range Rover could have been used for some nefarious activities. Hence submitted that this case involves deep, wider interstate investigation to be done by a specialised agency for which the respondent police are not sufficiently equipped. In view of the same, she submitted that a case to be investigated by the Senior Officer, more particularly by officials of CBCID, organised crime unit, who have got the required expertise and resources.

13.The defacto complainant further submitted that the petitioner earlier married one Saroja as per his declaration in Passport No.F7605341 and in another passport bearing No.L9746910, he has given a declaration that the defacto complainant is his wife. These aspects have to be verified and investigated.

14.In support of her contention, she relied on the decisions of the apex Court in the case Dineshbhai Chandubhai Patel Vs. State of Gujarat, (2018) 3 SCC 104, Dhruvaram Murlidhar Sonar Vs. State of Maharashtra (2019) 18 SCC 191 for the proposition that the Court cannot go into the merits of the allegations at the stage of quash proceedings under Section 482 of Cr.P.C. Further, she relied upon the decision of West Bengal Vs. Narayan. K. Patodia, AIR (2000) SC 1405, wherein, it had observed that FIR is only the first step of investigation and quashing of FIR at the initial is not permissible. Further, relied upon the decision in the case of D.K.Basu Vs. State of West Bengal, (1997) 1 SCC 416, wherein it has been held that the police must deal with serious offences in an efficient and effective manner and bring to book those who are involved in the crime.

15.The Additional Public Prosecutor filed his counter and submitted that on 27.03.2021, FIR was registered on the complaint of the defacto complainant in Crime No.231 of 2021. The complaint, is that on 22.05.2020 her estranged husband the petitioner herein and driver viz., Venkatesan A2 took her two cars bearing registration No.TN 02 BD 9944 Range Rover and TN 02 BF 5067 Hyundai I 20, which were kept locked and parked out side the house of the defacto complainant's father without



their knowledge and approval. During investigation, the respondent police visited the scene of occurrence, prepared observation mahazer, rough sketch in the presence of one Saravanan and Sanjaikumar. The defacto complainant, her mother and the house keeper were examined, statements recorded. Further, on 30.04.2021, on the information given by the defacto complainant a letter to the Director General of Police, Manipur details given the same is extracted from the counter and reproduced below paragraphs 5 to 9 :-

"5.It is submitted that on 30.04.2021 that the defacto complainant sent a letter to the Director General of Police, Sanakhawa Yaima Kollup, Manipur - 795 001 and Superintendent of Police, Lamphelpal Imphal, Manipur, to trace out and recover her vehicle bearing Registration No.TN 02 BD 9944, RANGE ROVER and intimate to this Respondent. Subsequently, on 20.05.2021, the Superintendent of Police, West District, Manipur sent a IN LIEU OF HSG FORM to this respondent that during the investigation i.e., RANGE ROVER was recovered and further requested the concerned police station to intimate the real owner of the vehicle and collect the vehicle by a police team of this respondent after proper formalities.

6.It is submitted that as stated supra, Tr.Ananthaiah, Sub-Inspector of Police, H2 Guduvancherry Police and Tr.Raja, Constable - 719 went to Imphal, Manipur and gave original records of the said vehicle to the Superintendent of Police, Lamphelpal Imphal, Manipur and obtained vehicle under cover of the seizure mahazar and subsequently, the same was produced before the Judicial Magistrate II, Chengalpattu and the same was taken on file vide P.I.No.201/2021 dated 12.07.2021.

7.It is submitted that on 24.06.2021, the defacto complainant gave additional information in respect of the another vehicle bearing Regsitration No:TN 02 BF 5067 that one Mr.Manoj Kumar on 21.08.2020 drove the car without seatbelt and fine was imposed by the F3 Nungambakkam Police and she enclosed the paid challan made by Mr.Manoj Kumar along with his driving license and further requested this respondent to investigate the abovesaid Manoj Kumar.



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8.It is further submitted that on 05.07.2021, the said K.Manoj Kumar appeared before this respondent and gave his statement that the petitioner/Accused 1 has sold the vehicle I20 bearing Registration number TN 02 BF 5067 for a sale consideration of Rs.2,80,000/- and also gave the original RC Book of I20 vehicle, insurance copy to him and the petitioner further promised him that he will clear all the dues in respect of the vehicle loan. Further K.Manoj Kumar also produced the sale agreement copy entered between the petitioner and K.Manoj Kumar in respect to the sale of the vehicle I20 before this respondent.

9.It is further submitted that after recording the statement of Mr.K.Manoj Kumar, this Respondent went to the petitioner place at No:162, Y-Block, Anna Nagar, Chennai - 600 040 for enquiry. But the said house was locked and the same was enquired with the watchman in the flat premises, the watchman said that the flat was kept locked for more than 1 year. Hence, at this juncture, without enquiring the petitioner, this respondent could not able to file a charge sheet in respect of the Crime No.231 of 2021. Further, the statement of K.Manoj Kumar which clearly reveals that the petitioner has sold the car, which clearly attracts offence under IPC. Further at this stage, only to escape from the law, now the petitioner/accused filed this present petitioner before this Hon'ble High Court to call for records/quash the case in Crime No.231 of 2021 on the file of the Respondent police."

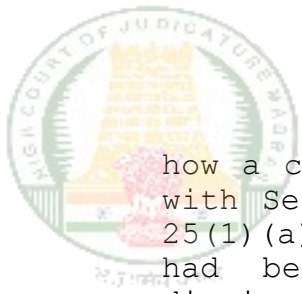
The investigation is in progress and as soon as the investigation is completed, charge sheet will be filed.

16.Considered the rival submissions and perused the materials. The relationship between the petitioner and the defacto complainant is not in dispute and thereafter, getting strained they are living separately. The petitioner's antecedents is known. The two cars viz., Range Rover and Hyundai I20 are registered and owned by the defacto complainant. The vehicles were taken away from the defacto complainant, thereafter, a complaint was lodged. The



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respondent police initially assigned CSR.No.186 of 2021, which is now kept pending. The defacto complainant on her own taken steps to trace the vehicles. In the meanwhile, she is constantly harassed and threatened. Some mysterious persons followed her, so she lodged a complaint to the Esplanade police and on one occasion, the petitioner's brother's son was called for enquiry, who admitted to have followed the defacto complainant, taken photographs and has given a letter that he will not indulge in such acts in future. On another occasion, she provided the registration number of the bullet, TN 19 AH 5678 and the photographs of two masked person who followed her Auto, the two persons were wearing full mask helmet, though CSR issued by the Esplanade police, what action taken, nobody knows. The Hyundai I-20 car bearing registration No.TN 02 BF 5067 was found by the Defacto complainant moving near Parry's Corner Kuralagam signal. With the presence of mind, she immediately alerted the traffic police, who stopped the vehicle. Thereafter, the vehicle and the persons travelling in the car were produced before the Esplanade police. The Esplanade police conducted enquiry, found the driver and occupant of the car was unable to give proper reason and were giving contradictory reasons as to in possession of the car and its ownership. Since they were giving contradictory version, they were detained by the Esplanade police. The respondent police was informed about the detention of the car and persons. The respondent police seems to be busy elsewhere. Thereafter, the Esplanade police sent the car and the detained persons to the respondent police along with two police constables. Since it was late hours, the defacto complainant was asked to go home and come on the next day. For what reason those two persons were let off by the respondent police, again there is no answer. Later, the defacto complainant had taken possession of the I-20 Car. The Range Rover found in Manipur is also not in dispute as seen from the counter filed by the police. How the car travelled to such distance, who are the persons, who travelled, later sold the car in Manipur to an Assistant Commandant of CRPF, with local contact, how without originals and proper documents, the said Assistant Commandant took possession of the Range Rover after making huge payment of Rs.26 Lakhs. The place, from which, the vehicle was found has got its own notoriety, which was near Burma border, where rampant smuggling and transportation of redsanders, narcotic drugs and illegal activities takes place. The banned item red sanders are abundantly available in Chittoor District bordering in Tamil Nadu. Redsanders are banned prohibited items, which commands high value overseas. Thus, in all probability, the vehicle travelling from here to Moresay Village in Manipur bordering town has to be necessarily investigated, for which, the respondent police is not equipped with men and resources. The petitioner's network, his accessibility in approaching and getting reliefs paving smooth passage from cases through service of persons with means and high connection with ease this spontaneity cannot be brushed aside. It is to be seen



how a case of grievous nature including Section 307 IPC along with Sections 341, 294(b), 323, 307, 506(ii) IPC and Sections 25(1)(a) of Arms Act, 1959 registered in Crime No.502 of 2019, had been dealt. The petitioner's anticipatory bail was dismissed by the Principal Sessions Court. Thereafter, before this Court, not once, on three occasions, he has filed anticipatory bail petitions within a short span of less than 2 months, the entire case got quashed without any investigation, is a matter of concern. Though it might be stated that case has been quashed based on a compromise, is not an acceptable explanation. The defacto complainant's traumatic condition during this period, how consent given, to be probed. The defacto complainant asserts and confirms the consent given is not voluntary and the explanation now given by the defacto complainant seems to be reasonable and acceptable. This compromise is not with free will, clouded with mystery, needs to be relooked. The defacto complainant as well the prosecution has to take steps to set aside the order passed in CrI.O.P.No.25325 of 2019 quashing Crime No.502 of 2019 which was obtained by fraud. The case in Crime No.502 of 2019 needs to be investigated by the present Investigating Officer of CBCID (OCU). Further the entire investigation in Crime No.231 of 2021 by Guduvancherry police appears shoddy and not proper. Though defacto complainant gave representation to the Superintendent of Police on 18.10.2021, there is no improvement in the investigation by the respondent police. It is only on the defacto complainant's efforts whatever materials so far collected could be gathered in this case. Further this case cannot be dealt as a simple theft case as though property recovered and no need for further investigation is required, is not proper. This case has inter state involvement, it has a wide networking and ramification, which can be investigated only by a specialised agency with concerted effort and co-ordination.

17.In view of the same, this Court feels it will be appropriate that trailing the route of Land Rover to Moresay Village, Manipur, Indo Burma Border where smuggling of Red sanders, narcotics are rampant which is a case of concern, more so to find out the live link between Moresey, Manipur and our State. The law and order issue involves detection, prevention of such activities which has to be given primacy and top priority. Hence for an effective and detailed investigation, this Court transfers the investigation in Crime No.231 of 2021 from Inspector of Police, Guduvancherry to Deputy Superintendent of Police, CBCID, Organised Crime Unit, Chennai, who shall conduct the investigation and file a final report in this case without delay. Further, the compromise in Crime No.502 of 2019 needs to be relooked since the defacto complainant claims that she was coerced, pressurized and compelled at that point of time and consent was not obtained out of free will. This Court directs necessary protection to the defacto complainant and her



children, considering their vulnerability and susceptibility of both mental and physical harm. Accordingly, the criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

sms

To

- 1.The Director General of Police,
Chennai - 4.
- 2.The Director General of Police,
CBCID, Chennai.
- 3.The Inspector of Police,
Guduvanchery Police Station,
Chengalpattu District.
- 4.The Deputy Superintendent of Police,
CBCID, Crime Unit, Chennai.
- 5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.G.Senthil Kumar, Advocate SR. No.6699

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and
Cr1.M.P.No.7104 of 2021

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