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CrI.O.P.No.14931 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM:

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

CRL.O.P.No.14931 of 2022

Vigneswar

... Petitioner

Vs.

1.State rep., by
The Inspector of Police
W-35, AWPS, Tambaram,
St.Thomas Mount,
Chengalpattu.
(Cr. No.5 of 2022)

2.Shobana

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records from the file of Respondent herein viz., Inspector of Police, AWPS 35, Tambaram Police Station, St.Thomas Mount, Chengalpattu District concerned in Crime No.05 of 2022, in so far as this petitioner is concerned and quash the same.

For Petitioner : Mr.V.Vivek

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1



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ORDER

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2.The crux of the allegations in F.I.R. indicates that after the death of the 1st husband of the defacto complainant, she developed intimacy with the petitioner and had physical relationship. Thereafter, the petitioner had refused to marry her, therefore, a complaint came to be registered.

3.Normally, the Court will not interfere with the quashing of F.I.R and at the same time when the very F.I.R. itself is motivated and does not make out any offence and forcing the person to face the ordeal of the trial is nothing but an abuse of process of law. The crux of the allegation itself



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reveals the consensual relationship between the defacto complainant and the accused. The only dispute is that the petitioner appears to have refused to marry the defacto complainant. It is seen that there is no allegation of inducement or deception in this case, the petitioner did not induce the defacto complainant to move with him, their relationship was mutual and the defacto complainant is also liable for the said act. In such view of the matter, continuing the F.I.R. is nothing but an abuse of process of law.

4.This Criminal Original Petition stands allowed accordingly. The F.I.R. registered against the petitioner in Crime No.05 of 2022, for the offence u/s.417 and 420 I.P.C. on the file of the Inspector of Police, All Women Police Station, 35, Tambaram Police Station, St.Thomas Mount, Chengalpattu District is hereby quashed.

30.06.2022

kas

Index: Yes / No

Internet : Yes / No

Speaking / Non Speaking order



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N.SATHISH KUMAR, J.

kas

To

1.The Inspector of Police
W-35, AWPA, Tambaram,
St.Thomas Mount,
Chengalpattu.

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

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