



Crl.O.P.No.15174 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.15174 of 2022

and

Crl.M.P.Nos.8468 and 8469 of 2022

1. A.Selvakumar

2. T.Poovarasam

... Petitioners

Vs.

1. The State rep.

The Inspector of Police
AWPS Jeyankondam
Ariyalur District
(Cr.No.30/2021)

2. P.Gandhimathi

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the charge sheet filed in Spl.S.C.No.67 of 2021 on the file of the Fast Track Mahila Court, Ariyalur in so far as the petitioners/accused are concerned.

For Petitioners : Mr.K.Gandhi Kumar

For Respondent-1 : Mr.A.Gokulakrishnan

Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed seeking to quash the charge sheet filed in Spl.S.C.No.67 of 2021 on the file of the Fast Track Mahila Court, Ariyalur, in so far as the petitioners/accused are concerned.

2. The petitioners are arrayed as A3 and A4 in this case. The crux of the allegation in the final report is that A1 and the victim girl /the daughter of the defacto complainant fell in love with each other and when it came to the knowledge of the parents of the victim girl, she stopped the relationship with A1 for which, A1 and A2 have threatened the victim girl to continue her relationship with A1 or otherwise they would upload her photos in the social media. The allegations against the petitioners according to the prosecution is that the petitioners being the relatives of A1 have also abetted the offence.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the 1st respondent and perused the materials available on record.

4. Normally this Court would not venture into making a roving enquiry. At the same time, when the entire prosecution materials do not constitute any offence against the petitioners, forcing them to undergo ordeal of trial is abuse of



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process of law. Admittedly, it is a case of love affair between the daughter of the defacto complainant and A1. In the statement recorded from the victim girl under Section 164 Cr.P.C., there is no whisper made against the petitioners and the allegations are only against A1 and A2. Such being the position, merely because these petitioners are the relatives of A1, they cannot be prosecuted unless there is a strong material available against them. Therefore, without any materials, the entire family members cannot be roped.

5. On a perusal of the entire final report and considering the statement of the victim girl recorded under Section 164 Cr.P.C., the final report filed in Spl.S.C.No.67 of 2021 on the file of the Fast Track Mahila Court, Ariyalur, in the eye of law, is quashed in respect of the petitioners alone.

6. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

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Speaking Order/Non-speaking Order

Index :Yes/No

Internet:Yes/No

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To

1. The Fast Track Mahila Court, Ariyalur

2. The Inspector of Police
AWPS Jeyankondam
Ariyalur District

3. The Public Prosecutor
High Court, Madras

Crl.O.P.No.15174 of 2022

and

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