



Crl.O.P.No.23553 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.23553 of 2022

and

Crl.M.P.No.15023 of 2022

Anbarasan ... Petitioner
/vs/

1.State rep.by
The Inspector of Police,
W-21 Guindy, All Women Police Station,
Chennai District.

2.Bhagyasri ... Respondents

Prayer : The Criminal Original Petition has been filed under Section 482 Cr.P.C. to call for the records proceeding of which is pending on the file of the 1st Respondent is liable to be quashed in Crime No.06 of 2021 for the offence 417, 376 of IPC Act on the file of W-21, All Women Police Station, Guindy, Chennai and quash the same.

For Petitioner ... Mr.D.Padmanabhan

For Respondent ... Mr.S.Santhosh
No.1 Government Advocate (Crl.Side)



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ORDER

The criminal original petition has been filed to call for the records in Crime No.06 of 2021 for the offences under Sections 417 and 376 of IPC Act on the file of first respondent and quash the same.

2.The learned counsel for the petitioner submitted that the petitioner Anbarasan is working as a Grade-I Constable and according to the complainant Bhagyasri, she was cheated by the petitioner, the petitioner having sexual intercourse with her, refused to marry. Hence, she lodged a complaint. The allegation stated in the complaint is a false one. Hence, it needs to be quashed.

3.When the matter is taken up for the hearing, the learned Government Advocate (Crl.side) submitted that the matter is under investigation.



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4. I have considered the submission made by the learned counsel for the petitioner as well as the submission made by the learned Government Advocate (Crl.side).

5. On perusal of the records, the allegation stated in the complaint is that the petitioner Anbarasan and the defacto complainant Bhagyasri are having love affair and consequently, he promised to marry the defacto complainant and had sexual intercourse. Thereafter, the petitioner and his mother, under the guise of marriage, received Rs.10,00,000/- besides 25 sovereign of jewels from the defacto complainant. Thereafter, they left from Chennai and did not return. When contacted, the petitioner refused to marry the defacto complainant. Hence, she gave a complaint on 16.09.2020, it was not immediately registered but they gave only CSR No.134 of 2020. The petitioner being a police constable, threatened the defacto complainant and again she approached the police and insisted about the threatening, thereafter, the case has been registered. Now, it is under investigation. Therefore, it does not meet the parameters laid down by the Hon'ble Supreme Court in *State of Haryana vs. Ch.BhajanLal (AIR 1992 SC 604)*,



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M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others (2021 SCC online 315) & PRATIBHA RANI Vs.SURAJ KUMAR

& ANR (1985 Crl.L.J.817), the matter has to be investigated to find out the truth. Therefore I find no merit in the present petition.

Accordingly, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Index : Yes/No

Internet : Yes/No

sms

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To

1.The Inspector of Police,
W-21 Guindy, All Women Police Station,
Chennai District.

2.The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM,J.

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