



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :22.03.2022

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.32332 of 2019

and

Crl.M.P.No.17799 of 2019

1.Thiru.R.Arun
2.Thiru.N.Ramanujam
3.Tmt.Thilagavathi

.. Petitioners

/versus/

1.The State Represented by the
Inspector of Police,
All Women Police Station,
Villupuram.
in Crime No.6/2019.
2.Dr.G.Efcy

..Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records of the case pertaining to Crime No.6/2019 on the file of the Inspector of Police, All Women Police Station,Villupuram/the 1st respondent herein and quash the same.

For Petitioners : Mr.Swami Subramanian

For Respondents : Mr.S.Santhosh,
Government Advocate (Crl.Side)
for R1
Mr.L.Amburose Raj for R2

O R D E R

This petitioner is arrayed as an accused in Crime No.6 of 2019 registered on the complaint given by the second respondent herein is before this Court to quash the First Information Report.

2.The petitioner seeks to quash the First Information Report registered against him under Sections 417 and 418 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 altered into Sections 294(b), 417, 418, 376 and 406 of IPC and Section 4 of Tamil Nadu Prohibition of harassment of Woman Act, 2002.



3. According to the petitioners herein that the petitioner and the defacto complainant (second respondent) while pursuing their PG Course, they fell in love and had some affairs and due to misunderstanding between them they parted away. However, there was no element of cheating or forcibly intercourse without consent of the complainant. Only due to misunderstanding, a false case has been filed as if there was intercourse without consent of the defacto complainant. The defacto complainant being 28 years old adult, the contention of the defacto complainant that there was sexual intercourse without her consent is false and therefore, the First Information Report may be quashed.

4. Though for these reasons, without trial the First Information Report cannot be quashed. But peculiar circumstances in the present case is concerned, the defacto complainant herself has filed an affidavit before this Court in the present proceedings stating that she infact had affair with the petitioner herein but due to misunderstanding, she completely parted away and gave the complaint. Pursuant to the said complaint, the petitioner was arrested and detained in prison for nearly 10 days. Thereafter, the defacto complainant has married another person and settled. In such circumstances, she is not inclined to pursue the matter and given her consent to quash the criminal proceedings.

5. The affidavit of the second respondent filed through her counsel Mr. L. Amburose Raj, Enrollment No. 1431/2016 indicates that the alleged offence under Section 376 of IPC was only a consensual sex and due to some misunderstanding the complaint has been given and the defacto complainant now herself has come out with an affidavit stating that the ingredient of Section 376 of IPC is not made out. Hence, the major offence for which First Information Report registered against this petitioner is 376 IPC will not sustain, when the defacto complainant herself has withdrawn her allegation by way of an affidavit.

6. In such circumstances, this Criminal Original Petition is allowed. The First Information Report in Cr. No. 6 of 2019 pending on the file of the 1st respondent is quashed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar



ari

To:

1.The Inspector of Police,
All Women Police Station,
Villupuram.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.Swami Subramanian, Advocate, S.R.No.19673

Crl.O.P.No.32332 of 2019
and
Crl.M.P.No.17799 of 2019

AD(CO)
SB(01/04/2022)