



Crl.O.P.(MD) No.13532 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.07.2022

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13532 of 2022

and Crl.MP(MD)No.8617 of 2022

Mohamed Ramathan Batcha

... Petitioner

Vs

1. The Inspector of Police,
Thiruppalaikudi Police Station,
Ramanathapuram District.

2. Gajendran

3. Subalakshmi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to call for the records relating to the FIR in Crime No.136 of 2022
on the file of the first respondent Police and quash the same.

For Petitioner : Mr. S.Mohamed Ansar

For Respondent : Mr.M.Sakthi Kumar(R1)
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to call for the records relating to the FIR in Crime No.136 of 2022 on the file of the first respondent Police and quash the same.

2.The learned counsel for the petitioner submitted that the petitioner is working as a Manager in Hotel. The third respondent, who is the daughter of the defacto complainant is having a love affair with the petitioner. Without her wish, she was married to one Samaya Selvam. Therefore, she voluntarily went with the petitioner. Due to that the defacto complainant has given a complaint, as if, the petitioner had kidnapped her daughter. Based on the complaint, a case has been registered against the petitioner in Crime No.136 of 2022, under Section 363 IPC, on 26.06.2022.

3.Today, when the matter is taken up for hearing, both the petitioner and the third respondent appeared before this Court. The third petitioner has stated that the petitioner had not kidnapped her, on her own



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wish, she went along with the petitioner. To show their *bonafide*, they also filed an affidavit to that effect.

4.The learned Government Advocate (Crl.Side) submitted that the defacto complainant has given a complaint, as if, the petitioner had kidnapped the third respondent.

5.I considered the matter in the light of the submissions made on both sides. Perusal of records, it is seen that the age of the petitioner is 25 years and the age of the third respondent is 24 years. Therefore, they are majors. The third respondent was not kidnapped by the petitioner, on her own wish she went along with the petitioner. They also filed an affidavit to that effect. Therefore, the offence under Section 363 IPC is not made out against the petitioner. At this stage, continuing the criminal proceedings against the petitioner is misuse of process of Court.

6.Accordingly, this Criminal Original Petition is allowed, thereby, the Crime No.136 of 2022, under Section 363 IPC, on the file of



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the first respondent police is hereby quashed.

Consequently, connected

miscellaneous petition is closed.

27.07.2022

Internet: Yes

Index: Yes

PNM

To

1. The Inspector of Police,
Thiruppalaikudi Police Station,
Ramanathapuram District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

PNM

ORDER IN
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