



WEB COPY

Crl.O.P.No.2303 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2303 of 2023

and

Crl.M.P.No.1267 of 2023

Afsar Ali

... Petitioner

/vs/

1. The Inspector of Police,
W-10 All Women Police Station,
Flower Bazaar,
Chennai – 600 001.

2. Sumaiya Aysha

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records in FIR No.6 of 2022 on the file of the respondent police and quash the same.

For Petitioner

... Mr.S.Veeraraghavan

For Respondent

... Mr.S.Santhosh

Government Advocate (crl.side)

**ORDER**

This Criminal Original Petition has been filed seeking for a direction to call for the records in FIR No.6 of 2022 on the file of the respondent police and quash the same.

2. The learned counsel for the petitioner submitted that petitioner and the defacto complainant were in love with each other. Subsequently, their love was broken. The whatsapp conversation filed by the petitioner in the typeset would reveal that the love between them was broken. Then, petitioner married another woman on 17.07.2022. He further submitted that the complaint given by the complainant against the petitioner was only with a view to harass the petitioner. Therefore, he seeks for quashment of the FIR in Crime No.06 of 2022.

3. In response, the learned Government Advocate (Crl. Side) submitted that the allegations made against the petitioner are that, under the guise of marrying the defacto complainant, petitioner had committed sexual assault on her. Even after his marriage was fixed with another women, petitioner had forcible sexual relationship with her. In this regard, statement of the defacto



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complainnt under Section 164 of Cr.P.C was also recorded, in which she had reiterated the allegations made against the petitioner. He further submitted that, investigation in this case is almost completed and final report would be filed soon.

4. Considered the submissions and perused the records. It is seen from the FIR allegations that petitioner and the defacto complainant met through Internet and became friends and thereafter, petitioner had taken the defacto complainant to various places. On the promise of marrying her, he had sexual relationship with her on 03.07.2022. On 14.08.2022, he informed that he married another women on 11.07.2022. However, again on 28.08.2022, petitioner had forcible sexual relationship with her. He also shown the whatsapp chats with several women and also stated that the defacto complainant is one among them. Therefore, defacto complainant consumed poison at about 08.30.p.m on 28.08.2022, and she was admitted in the hospital by her parents. Thereafter, present complaint was given.

5. The statement of the victim girl under Section 164 of Cr.P.C of the defacto complainant also supports the allegations made in the complaint.



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Investigation in this case is now completed. The FIR allegations and 164

Cr.P.C Statement make out the cognizable offence ie., offence under IPC.

Therefore, this Court is of the view that there is no valid ground made to quash the FIR in Crime No.06 of 2022 against the petitioner.

5. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

03.02.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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To

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1. The Inspector of Police,
W-10 All Women Police Station,
Flower Bazaar,
Chennai – 600 001.

2. The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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