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Crl.O.P.No.2901 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2901 of 2023

&

Crl.M.P.No.1720 of 2023

Vijay Koushik

... Petitioner

Vs.

1.State by Inspector of Police,
All Women Police Station,
24P7 +4RG, 4th St, Sri Chakra Nagar,
Kamatchiamman Nagar,
Mangadu,
Chennai 600 122.

2.Judy Samuel

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the FIR in Crime No.4 of 2019 on the file of the complainant/1st respondent.

For Petitioner : Ms.S.Viji

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



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ORDER

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This Criminal Original Petition has been filed to call for the records and to quash the FIR in Crime No.4 of 2019 on the file of the 1st respondent.

2. Learned counsel for the petitioner submitted that there are absolutely no allegations made in the First Information Report stating that the petitioner had deceived the *de-facto* complainant and had sexual relationship with her. The allegations on the other hand shows that there was consensual sexual relationship. Thus, she prays that there is no case made out for prosecuting the petitioner for the offence under Sections 493 and 506(1) of IPC.

3. In response, learned Government Advocate (Crl.side) submitted that the investigation in this case is under progress. This case is now received by the respondent police by transfer from the All Women Police Station, Poonamallee. The respondent police would complete the investigation soon and file final report.

4. Considered the rival submissions and perused the materials on record. The First Information Report allegations shows that the 2nd respondent and the petitioner were in love with each other. On 29.05.2017, the petitioner had forcefully taken the 2nd respondent to Mahapaliburam and



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had sexual relationship with her on the promise of marriage and under compulsion and threat. On 12.08.2017, he took her to Tirupathi and tied thali to her. They had taken a room in P.L.R. Grand hotel. He had sexual relationship with her 3 times in the hotel. Thereafter, under threat, he had sexual relationship with her several times in her house and cheating her, he went to Singapore. The 2nd respondent asked the petitioner's brother Vijay Karthik. Vijay Karthik made death threat against her saying that his brother has not done anything wrong. On 29.12.2018, the petitioner had taken the *de-facto* complainant to Goa and used her for his pleasure. He scolded her in filthy language and made death threat. He had also received more than Rs.1,00,000/- from the 2nd respondent. On the basis of this complaint, the First Information Report was registered for the offence under Sections 493 & 506(1) of IPC. The FIR allegations clearly make out a case of cognizable offence against the petitioner. The respondent police during the course of investigation may even alter the offence and other relevant provisions of Indian Penal Code.

5. Therefore, this Court is of the view that, when cognizable offences are made out against the petitioner, the prayer for quashment of First Information Report cannot be sustained.



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6. In this view of the matter, this Criminal Original petition is dismissed. Consequently, connected miscellaneous petition is closed.

09.02.2023

Internet: Yes
Index: Yes/No
mpl

To:

1. The Inspector of Police,
All Women Police Station,
24P7 +4RG, 4th St, Sri Chakra Nagar,
Kamatchiamman Nagar,
Mangadu,
Chennai 600 122.

2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
mpl

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