



CrI.O.P.No.5284 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.5284 of 2022

and

CrI.M.P.No.2867 of 2022

Velkumar

...Petitioners

vs.

1.State rep by

The Inspector of Police,
All Women Police Station,
Ponneri, Tiruvallur District.

2.J.Leela

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to FIR in Crime No.36 of 2021 dated 03.11.2021 on the file of the first respondent and quash the same.

For Petitioners : Ms.S.Shinu
For Respondent : Mr.A.Gopinath,
Government Advocate for R1

ORDER

This criminal original petition has been filed to quash the FIR in Crime No.36 of 2021 pending investigation on the file of the first respondent.



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2. The case of the prosecution is that the petitioner and the defacto complainant had a love affair from the year 2010 onwards. Ultimately, in the year 2021, the petitioner is said to have refused to marry the defacto complainant and when the same was questioned, the defacto complainant was threatened with dire consequences. On the basis of the complaint given by the defacto complainant, FIR came to be registered in Crime No.36 of 2021 for offence under Section 417, 506(1) of IPC and Section 3 and 4 of The Tamil Nadu Prohibition of Harassment of Women Act, 2002.

3. Heard the learned counsel for the petitioner and the first respondent. The second respondent has been served with notice and the proof of service was also filed. However, there is no representation for the second respondent either in person or through counsel.

4. This Court carefully went through the materials available on record. It is seen from the record that the petitioner and the second respondent were having love affair from the year 2016 onwards. Subsequently, their relationship fell apart and hence, the family of the petitioner had taken steps to get the petitioner married elsewhere. Due to the complaint given by the second respondent, the marriage was stopped. It is brought to the notice of this Court that the second respondent has now got married to some other person.



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5. On carefully reading the allegations made in the complaint along with the materials available on record, it is seen that this is a simple case of love failure. The petitioner and the second respondent were not able to continue with the affair due to some misunderstanding. Therefore no offence has been made out against the petitioner and that apart, the second respondent has also got married and is living elsewhere. Therefore, the continuation of the investigation against the petitioner will only amount to abuse of process of law.

6. In the light of above discussion, the FIR in crime No.36 of 2021 on the file of the first respondent is quashed. Accordingly, this criminal original petition is allowed. Consequently, the connected miscellaneous petition is also closed.

04.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa



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N. ANAND VENKATESH, J.

nsa

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To

1.The Inspector of Police,
All Women Police Station,
Ponneri, Tiruvallur District.

2.The Public Prosecutor,
Madras High Court,
Chennai 600 104..

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