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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.5536 of 2022
and Crl.MP.No.3040 of 2022

1.Abishek Mehta, A-42 Y
S/o.Late Lalith Mehta

2.Dilip S.Mehta, A-61 Y
S/o.Late Surajchand S.Mehta

3.Kumar Shreyans, A-27 Y
(Shreyash Mehta)

.. Petitioners

.Vs.

1.The State rep.by
The Inspector of Police
W-4, All Women Police Station
Kilpauk, Chennai.

..1st Respondent

2.Anitha Jain
W/o.Late Lalith Mehta

..2nd respondent/de facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the FIR in Crime No.3 of 2021 dated 23.3.2021, pending investigation on the file of the 1st respondent and quash the same.

For Petitioner : Mr.T.N.Rajagopalan

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)
for R1

Mr.V.Manohar for R2



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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.3 of 2021, pending investigation on the file of the 1st respondent.

2.Heard Mr.T.N.Rajagopalan, learned counsel for the petitioners, Mr.A.Gopinath, learned Government Advocate (Crl. Side) for R1 and Mr.V.Manohar, learned counsel for R2.

3.The 2nd respondent gave a complaint to the 1st respondent to the effect that the petitioners have abused her in filthy language and had also insulted her and questioned her modesty and they have also threatened her for asking a share in the property. Based on the complaint, the FIR came to be registered in Crime No.3 of 2021 for offence u/s.294(b) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

4.On carefully going through the allegations made in the complaint, there is absolutely no indication that the so called abusive words were uttered by the petitioners in public view. The main ingredient for constituting the offence u/s.294(b) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. is that it should have been done in public view. The said ingredient is not satisfied in the complaint given by the 2nd respondent.



5. That apart, it is also seen from records that there is a civil suit pending between the parties wherein the 2nd respondent has sought for 1/3rd share in the subject property and the same is pending in CS.No.53 of 2022, before this Court.

6. In the light of the above discussion, the continuation of the investigation in Crime No.3 of 2021, will amount to abuse of process of law, which requires the interference of the Court in exercise of jurisdiction under Section 482 of Cr.P.C.

7. In the result, FIR in Crime No.3 of 2021, on the file of the first respondent is hereby quashed and 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
kp

To

1. The Inspector of Police
W-4, All Women Police Station
Kilpauk, Chennai.

2. The Public Prosecutor,
High Court, Madras.



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N. ANAND VENKATESH,, J.

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