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Crl.O.P.No.6261 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.6261 of 2021

and

Crl.M.P.Nos.4127 and 10127 of 2021

1. Amudhan Venkatesh
2. Rajasekaran

...Petitioners / A1 & A2

-Vs-

- 1.The State rep. by
The Sub-Inspector of Police,
W-22, All Women Police Station,
Mylapore, Chennai – 600 004.
(Crime No.3 of 2020)

... 1st Respondent / Complainant

- 2.Chitra

... 2nd Respondent / Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the First Information Report in Crime No.3 of 2020 on the file of the 1st respondent and to quash the same.

For Petitioner

: Mr. A. Nagarajan

For R1

: Mr. A. Damodaran,
Additional Public Prosecutor

For R2

: Mr. K. Mohanamurali



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ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No.3 of 2020 on the file of the 1st respondent filed for the alleged offences under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Sections 294(b) and 506(1) IPC.

2.It is alleged in the FIR that the 1st petitioner and the defacto complainant's daughter were in love with each other. They came to know each other through a matrimonial site and that the 1st petitioner thereafter harassed her in many ways and compelled her to marry him. That on one occasion, he had threatened her by stating that he would cause harm to himself, if she did not respond to his messages and phone calls. Thereafter, the 2nd petitioner had also threatened the defacto complainant stating that the 1st petitioner would throw acid on her daughter's face and abused her in filthy language, while she was walking in the road. Thus, the First Information Report was registered on such allegations for the aforesaid offences.



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3.The petitioners had filed a quash petition before this Court and this Court passed an order directing the stay of investigation in Crime No.3 of 2020 for a period of eight weeks by order dated 01.04.2021.

4.The learned counsel for the petitioners on an earlier occasion mentioned before this Court that the 2nd respondent by adopting the same *modus operandi* had cheated several others and three FIRs were pending against her in various police stations. Hence, the impugned complaint is nothing but to arm twist the petitioners and extract money. The learned counsel further represented that the Director General of Police had taken action against the then Sub-Inspector of Police A. V. Sophia, who investigated the case on the basis of the petitioners' complaint.

5.Therefore, in view of the serious nature of the allegations made by the learned counsel for the petitioners, this Court had directed the Deputy Commissioner of Police, Mylapore Range to enquire into the allegations and file a status report.



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6.The learned counsel further submitted that since the impugned prosecution is malafide and the said Sub-Inspector of Police had filed a final report in collusion with the defacto complainant, even though an order of stay was passed by this Court, the impugned FIR and the final report filed pursuant to the investigation of the impuged FIR deserves to be quashed.

7.The learned Additional Public Prosecutor submitted that in compliance of the directions issued by this Court, the Deputy Commissioner of Police , Mylapore had filed the status report. The Deputy Commissioner of Police had stated that the 2nd respondent was herself involved in many cheating and extortion cases. He had also stated in the said report that said Sub-Inspector of Police connived with the 2nd respondent to extract money from the petitioners. The Deputy Commissioner of Police had also sent a special report to the Joint Commissioner on 15.05.2023 to take stringent action against the said Sub-Inspector of Police.



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8.The learned counsel for the 2nd respondent on the other hand submitted that the 2nd respondent's complaint cannot said to be false merely because she had some criminal cases against her. The allegations in the impugned FIR and the final report has to be adjudicated only before the trial Court. Further, the petitioners themselves had filed a petition under Section 173(8) Cr.P.C for further investigation before the trial Court. He also on his part accused the said Sub-Inspector of Police stating that she had not taken into account the documents produced by the defacto complainant and had filed an erroneous final report.

9.This Court on hearing the submissions made by the learned counsel on either side and the learned Additional Public Prosecutor and also on perusal of the status report finds that the Deputy Commissioner of Police, Mylapore has *prima facie* found that the said Sub-Inspector of Police, had in connivance with the 2nd respondent filed the final report without proper investigation and with a view to extract money. In view of the finding made by the Deputy Commissioner of Police, this Court is of the view that the impugned final report filed by the said Sub-Inspector of Police cannot be sustained. This Court cannot allow a trial on the final



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report, which is found to be tainted as per the report of the Deputy Commissioner of Police. Hence, this Court is inclined to quash the final report in C.C.No.3717 of 2022 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai, pursuant to the investigation made in the impugned FIR.

10. However, this Court is of the view, in the interest of all the parties concerned, the allegations made by the 2nd respondent in the impugned FIR shall be investigated by an officer in the rank of Assistant Commissioner of Police. The learned Additional Public Prosecutor suggested that the Assistant Commissioner of Police, Mylapore Range, may conduct the investigation under the supervision of the Deputy Commissioner of Police, Mylapore.

11. In view of the sensitive nature of the issue involved and the allegations made, this Court hopes that the Assistant Commissioner of Police, Mylapore, shall conduct the investigation in a fair manner under the Supervision of the Deputy Commissioner of Police and file a final report within a period of two months from the date of receipt of a copy of this order.



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WEB COPY 12. With the above observations, this Criminal Original Petition is disposed of. Consequently, connected Criminal Miscellaneous Petitions are closed.

20.06.2023

smv

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order



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- 1.The Sub-Inspector of Police,
W-22, All Women Police Station,
Mylapore, Chennai – 600 004.
- 2.The XVIII Metropolitan Magistrate, Saidapet, Chennai.
- 3.The Assistant Commissioner of Police, Mylapore, Chennai.
- 4.The Deputy Commissioner of Police, Mylapore, Chennai.
- 5.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN,J.

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