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Crl.O.P.No.9489 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.9489 of 2023
and
Crl.M.P.Nos.6210 & 6211 of 2023

P.Egaraj

... Petitioner

Vs.

1. State Rep by,
The Inspector of Police,
T1 Ambattur Police Station,
Chennai.
Crime No.25 of 2023

2. Mr.S.Armstrong

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records of the Charge Sheet in C.C.No.83 of 2023 on the file of the Judicial Magistrate, Ambattur and quash the same against the petitioner with a consequential direction directing the Judicial Magistrate, Ambattur to return him the amount of Rs.3 lakhs deposited by the petitioner on 21.03.2023 to the credit of Crime No.25 of 2023.

For Petitioner : Mr. A.Suresh Sakthi Murugan

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



Crl.O.P.No.9489 of 2023

ORDER

This Criminal Original Petition has been filed to call for the records of the Charge Sheet in C.C.No.83 of 2023 on the file of the Judicial Magistrate, Ambattur and quash the same against the petitioner with a consequential direction directing the Judicial Magistrate, Ambattur to return him the amount of Rs.3 lakhs deposited by the petitioner on 21.03.2023 to the credit of Crime No.25 of 2023.

2. The learned counsel appearing for the petitioner submitted that petitioner is the 2nd accused in this case. First accused is his erstwhile wife and they are not in a good relationship. He further submitted that, all the allegations made in the complaint are not true. Therefore, this petition.

3. In response, learned Government Advocate (Crl. Side) submitted that, petitioner, who is the husband of the first accused namely Florence had infact repeatedly threatened the defacto complainant by demanding money and other articles. The statement of the witnesses one Timothy supports the charges against them. Thus, he prays for dismissal of the petition.



Crl.O.P.No.9489 of 2023

WEB COPY

4. Considered the rival submissions and perused the records. The reading of the FIR shows that, defacto complainant is working as a professor in Madras University. In the year 2002, he came to know about Florence and her husband P.Egaraj. They requested money from the defacto complainant for paying school fees for their children. For which, defacto complainant advanced money to them. Thereafter, first accused started threatening the defacto complainant on various days by showing intimate photographs. Defacto complainant approached one Timothy to come out of this trouble. When he approached the Petitioner and her wife, they told him that, if he gives Rs. 5 lakhs, they will not disturb him. Rs. 5 lakhs was paid to them by defacto complainant. Even thereafter, they continued to threaten the defacto complainant by demanding Rs. 5 lakhs. Again, Rs. 5 lakhs was paid by the defacto complainant to them through Timothy. Even thereafter, they threatened the defacto complainant by demanding Rs.20,000/-p.m., Otherwise, the intimate photographs will be uploaded in the social media. Thus defacto complainant paid Rs. 20,000/- every month from 2015 to 2022. In the year 2021, accused persons demanded a sum of Rs. 10 lakhs, for which on 20.03.2021, defacto complainant paid a sum of Rs. 9 lakhs through his bank account to the bank account of Florence. On the occasion of



Crl.O.P.No.9489 of 2023

Christmas, defacto complainant parted with 30 sovereigns of gold jewels. He was also physically abused by the accused persons. On 17.12.2022, Florence made a call to the defacto complainant's wife and told her that defacto complainant is sleeping with her and asked the defacto complainant's wife to sleep with her husband. She also threatened the defacto complainant that, his daughter would be kidnapped and she would make arrangement that his daughter would be rapped by men. On 16.12.2022, defacto complainant was kidnapped to her house and locked inside and was attacked with iron rod and knife etc., On the basis of the complaint, FIR in Crime No.25 of 2023 was registered and investigation was conducted and final report is also filed. The statement of witness Timothy supports the FIR allegations.

5. Thus, this Court is of the view that there are materials available to frame charges against the accused under the appropriate provisions of IPC. Therefore, this Court finds no merits in this petition seeking quashing the proceedings as against the petitioner in C.C.No.83 of 2023 on the file of the Judicial Magistrate, Ambattur.



Crl.O.P.No.9489 of 2023

6. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petitions are closed.

28.04.2023

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To:

1. Judicial Magistrate, Ambattur.
2. The Inspector of Police,
T1 Ambattur Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.9489 of 2023

G.CHANDRASEKHARAN, J.
sma

Crl.O.P. No.9489 of 2023

28.04.2023