



Crl.O.P.No.20985 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.20985 of 2022 and
Crl.M.P.Nos.13700 & 13701 of 2022

Syed Rafick

... Petitioner

Vs.

1. The State represented by
The Inspector of Police,
All Women Police Station West,
Coimbatore City, Coimbatore District.
(Crime No.06 of 2019).

2. Sowfiya Parvin

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records pertaining to the impugned charge sheet filed by the 1st respondent pending on the file of the Additional Mahila Court (Magistrate level), Coimbatore in C.C.No.1116 of 2021 and quash the same.

For Petitioner : Mr.C.Iyyappan

For Respondent 1 : Mr.A.Gopinath,
Government Advocate (Crl.Side)

For Respondent 2 : No appearance



CrI.O.P.No.20985 of 2022

WEB COPY

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.1116 of 2021 on the file of the Additional Mahila Court (Magistrate level), Coimbatore thereby taken cognizance for the offences punishable under Sections.342,354 of IPC & r/w Section 4 of Tamilnadu Prohibition of Harassment of Woman Act, 2002 and 66E & 84C of IT Act.

2. The case of the prosecution is that the 2nd respondent and the petitioner fell in love. Under the pretext of marriage, this petitioner presented ring to 2nd respondent. Thereafter, he induced her to show her private parts and also had taken photograph while she was naked. Thereafter, this petitioner refused to get marry the 2nd Respondent/victim girl. Hence, the complaint.

3. On receipt of the said complaint, the 1st respondent registered FIR in Cr.No.06 of 2019 for the offence under sections 342,354 of IPC &



Crl.O.P.No.20985 of 2022

r/w Section 4 of Tamilnadu Prohibition of Harassment of Woman Act, 2002 and 66E & 84C of IT Act. After completion of investigation, filed final report and the same has been taken cognizance by the trial court.

4. Though, notice was sent to the 2nd respondent, but no one appeared before this court either in-person or through pleader.

5. On perusal of the statement recorded through victim girl, she alleged that before the proposal for their marriage by the family members, due to some reasons their marriage was stopped and as such the 2nd respondent lodged complaint after a period of three years. In fact, now she has got married and living with other person. That apart, no other witnesses started for examination in the case of prosecution itself and the 2nd respondent as stated supra. The occurrence takes place in the year 2018, whereas the complaint lodged after huge delay. Therefore, the entire process is clear abuse of process of law and the allegations are made only to wreak vengeance as against the petitioner.



Crl.O.P.No.20985 of 2022

WEB COPY

6. Therefore, the entire proceedings in C.C.No.1116 of 2021 on the file of the learned Additional Mahila Court (Magistrate level), Coimbatore cannot be sustained and liable to be quashed. Therefore, the entire proceedings in C.C.No.1116 of 2021 on the file of the learned Additional Mahila Court (Magistrate level), Coimbatore is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

29.11.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
gvn

To

- 1) The Additional Mahila Court (Magistrate level),
Coimbatore
- 2) The Inspector of Police,
All Women Police Station West,
Coimbatore City, Coimbatore District.
- 3) The Public Prosecutor,
High Court Madras.



WEB COPY



Crl.O.P.No.20985 of 2022

G.K.ILANTHIRAIYAN, J.

gvn

Crl.O.P.No.20985 of 2022 and
Crl.M.P.Nos.13700 & 13701 of 2022

29.11.2023