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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.19859 of 2023
and Crl.MP.Nos.13442 and 13443 of 2023

Rajesh Boja Shetty, M/47 Y
S/o.Bhoja Shetty

.. Petitioner/Accused

.Vs.

1.Stat by
The Sub Inspector of Police
D-2, Selvapuram Police Station
Coimbatore City
Coimbatore.

.. Respondent/Complainant

2.Uma Ravi
W/o.Ravi Iyyar

.. Respondent/De fact Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.747 of 2023 in Cr.No.331 of 2022, pending on the file of the V Judicial Magistrate, Coimbatore City and quash the same.

For Petitioner : Mr.S.Santhanakrishnan

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

ORDER

This criminal original petition has been filed to quash the proceedings in

C.C.No.747 of 2023, pending on the file of the V Judicial Magistrate, Coimbatore.



2.The 2nd respondent gave a complaint to the effect the petitioner had developed an one side affair with the elder daughter of the 2nd respondent named R.Nivedhita and was continuously harassing. The 2nd respondent had fixed the marriage and it was held on 11.12.2022. During that occasion, the petitioner is said to have caused disturbance and had threatened the 2nd respondent. Under such circumstances, the complaint came to be given to the 1st respondent and based on the same, an FIR has been registered in Crime No.331 of 2022 for offence u/s.294(b), 506(ii) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. On completion of the investigation, the final report has been filed before the Court below and it has been taken on file in C.C.No.747 of 2023.

3.When the matter came up for hearing on 07.9.2023, the learned counsel for the petitioner submitted that the daughter of the 2nd respondent viz., R.Nivedhita is married and living elsewhere. The learned counsel further submitted that the petitioner is willing to file an undertaking affidavit that he will not interfere with the life of the daughter of the 2nd respondent. Accordingly, the matter was posted for hearing today.

4.An undertaking affidavit was filed by the petitioner and the relevant portion in the undertaking affidavit is extracted hereunder:

4.I submit that with great respect this Hon'ble Court, I undertake that I will not disturb the marriage life of the 2nd Respondent's daughter R.Nivedhita in the future and further I

<https://www.mhc.tn.gov.in/judis> will not cause any sort of hindrance in her life.



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5.Heard Mr.S.Santhanakrishnan, learned counsel for the petitioner,
Mr.A.Gopinath, learned Government Advocate (Crl. Side) for R1.

6.Taking into consideration the facts and circumstances of the case and also of the fact that the daughter of the 2nd respondent is already married and she is living elsewhere and the petitioner has also given an undertaking that he will not cause any threat or cause any disturbance to the daughter of the 2nd respondent, no useful purpose will be served in keeping the criminal proceedings pending. That apart, the entire incident had taken place in the spur of the moment and there is no complaint against the petitioner that even after the FIR was registered, he caused any disturbance or threat to the 2nd respondent or to her daughter.

7.In view of the above discussion, the proceedings in C.C.No.747 of 2023 , pending on the file of the V Judicial Magistrate Court, Coimbatore City, is hereby quashed and this criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

22.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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N. ANAND VENKATESH,, J.

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To

- 1.The Sub Inspector of Police
D-2, Selvapuram Police Station
Coimbatore City
Coimbatore.
2. V Judicial Magistrate Court
Coimbatore City.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P No.19859 of 2023

22.09.2023