



Crl.O.P.No.23614 of 2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P. No. 23614 of 2019

&

Crl. M.P.No. 12449 of 2019

Prabakaran

... Petitioner

Vs.

1. State Rep by
The Inspector of Police
Kadathur Police Station,
Dharmapuri District.

2. Monika Suruthi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records and quash the proceedings in C.C.No.155 of 2018 pending trial on the file of the Judicial Magistrate, Pappireddipattyy.



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For Petitioner : Mr. M.P.Saravanan

For Respondent 1 : Mr. S.Balaji
Government Advocate (Crl. Side).

For Respondent 2 : Mr. J.Bharathi Raja.

ORDER

The petition is to quash the final report for the alleged offences under Section 109 and 417 of IPC as against the petitioner.

2. It is alleged in the final report that A1 had a love affair with the defacto complainant. However, A1 refused to marry the defacto complainant; that when the defacto complainant demanded that A1 should marry her, A1 abused her in a filthy language, besides attacking her and committing the offence of Section 4 of the Woman Harassment Act; that A2, who is the brother-in-law of A1 had prevented him from marrying the defacto complainant.



3. The learned counsel for the petitioner submitted that the only allegation against the petitioner is that he had prevented A1 from marrying the defacto complainant and thus had committed abetment of offence of cheating. The learned counsel submitted that there is no other allegation as against the petitioner. In any event, the above allegation would not constitute the offence of abetment of cheating. Admittedly, A1 and the defacto complainant were in love with each other for a period of 8 years and due to the dispute between A1 and the defacto complainant, the petitioner is sought to be implicated in the case.

4. The learned Government Advocate (Crl. Side) and the learned counsel for the defacto complainant however submitted that the allegation constitutes the offences alleged and the points raised by the petitioner has to be adjudicated only during the Trial and hence prayed for dismissal of the quash petition.



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WEB COPY 5. This Court finds that admittedly A1 and the defacto complainant were in love with each other for a period of 8 years. The act committed by A1 is an independent act and the prosecution of the petitioner in view of this Court is only to arm-twist A1 by implicating the petitioner, who is his brother-in-law. There is no material in the final report to suggest as to how the petitioner had instigated A1 in the commission of alleged offence of cheating the defacto complainant. A vague allegation in the absence of specific details against a relative would not attract the offence of abetment. Hence, this Court is inclined to quash the final report in respect of the petitioner.

6. Hence, the petition is allowed. Consequently, the connected Miscellaneous Petition is closed. No costs.

06.06.2023

Index : Yes/No
Internet : Yes/No



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Neutral Citation :Yes/No

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To

1. The Judicial Magistrate,
Pappireddipatty.

2. The Inspector of Police
Kadathur Police Station,
Dharmapuri District.



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