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CRL.O.P.No. 25173of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2023

CORAM:

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

Crl.O.P.No. 25173 of 2019

and

Crl.M.P.Nos. 13434 and 13435 of 2021

Deepan

... Petitioner

Vs.

1. State Rep.by its

The Sub Inspector of Police,
S-5, Pallavaram Police Station,
Chennai – 600 043.

2. M.Vichithra

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.

praying to call for the entire records in C.C.No.225 of 2019 on the file of the

Judicial Magistrate Court, Tambaram, Chennai-600 045 and quash the same in

so far as the petitioner concerned.

For Petitioner : Mr.S.Ezhilraj

For Respondents

For R1 : Mr.L.Baskaran
Government Advocate (Crl.Side)

For R2 : No Appearance



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ORDER

This petition has been filed to call for the entire records in C.C.No.225 of 2019 on the file of the Judicial Magistrate Court, Tambaram, Chennai and quash the same in so far as the petitioner concerned.

2. The case of the prosecution is that the second respondent lodged a complaint alleging that, she was studying first year of B.Com in the Balaji College for Girls. One year ago, she had acquaintance with accused in a friendly manner. Thereafter, he compelled her to love him. He also threatened her with dire consequence. Hence, the complaint was lodged. On receipt of the said complaint, FIR in Crime No.2235 of 2017 was registered for the offence under Section 341, 354 (D) of IPC. After completion of investigation, first respondent filed final report and the same has been taken cognizance in C.C.No.225 of 2019 on the file of the learned Judicial Magistrate No.II, Tambaram. Subsequently, it was transferred to the District Munsif cum Judicial Magistrate Court, Pallavaram and re-numbered as C.C.No.333 of 2023.

3. Though, notice was served on the second respondent and his name was printed in the cause list, none appeared before this Court either in person or through counsel.



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4. The learned counsel for the petitioner submitted that, while pending this petition, both got married with other person and living happily. In fact, initially both fall in love and he also produced love letter written by the second respondent. Therefore, if the proceedings is continued, there would be a chance for separation for their individual life. The non-appearance of the second respondent also shows that, she is not interested to prosecute the petitioner herein, since, she got married and living happily with her husband.

4. In view of the above discussions, this Court is inclined to quash the proceedings and it is liable to be quashed.

5. Accordingly, this Criminal Original Petition stands allowed and the charge sheet in C.C.No.225 of 2019 on the file of the learned Judicial Magistrate No.II, Tambaram, Chennai is hereby quashed as against the petitioner herein. Consequently, connected miscellaneous petitions are closed.

12.10.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
dpa/sma



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To

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1. Judicial Magistrate Court, Tambaram, Chennai-600 045
2. The Sub Inspector of Police,
S-5, Pallavaram Police Station,
Chennai – 600 043.
3. The Public Prosecutor
Madras High Court.



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G.K.ILANTHIRAIYAN, J.

dp/sma

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and

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