



Crl OP No.30719 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.30719 of 2019

and

Crl.M.P.No.16675 of 2019

Baskaran

...Petitioner/Accused - 2

Versus

1.State rep by,
Inspector of Police,
W-25, All Women Police Station,
T.Nagar, Chennai.

Now transferred to

2.State rep by
Inspector of Police,
W-28, All women Police Station,
Ambattur, Chennai.

3.Vidhya

... Respondents



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PRAYER : Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code seeking to call for the records and to quash F.I.R., registered in Cr.No.8/2019 now enquiry pending before the second respondent.

For Petitioner : M/s. R.C.Paul Kanagaraj
For R1 and R2 : Mr.A.Damodaran
Additional Public Prosecutor
For R3 : Ms.S.Vidhya
(Party-in-Person)

ORDER

The petition is to quash the FIR in Crime No.8 of 2019 for the alleged offences under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Sections 408, 120 B, 294 (b), 488 and 489 of Indian Penal Code, 1860.

2. It is alleged in the FIR that the petitioner/A2, along with the other accused, had committed the aforesaid offences; that the third respondent/defacto complainant was living with her aunt; that after her demise in the Year 2012, she went to the house of her uncle, one Surya Narayanan/first accused seeking protection; that the said first accused had misbehaved with her and hence, the third respondent



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slapped him; that thereafter, the first accused had threatened her with dire consequences and had tarnished her image amongst relatives; that the petitioner/A2 who is a neighbour along with the watchman of the apartment/A3 had harassed her continuously by knocking at her door for no reason and hence, she assaulted the watchman and the petitioner with slippers and; that thereafter, all the accused have been continuously harassing her and had locked the house which she was occupying illegally and thus committed the offences.

3. Mr. R.C.Paul Kanagaraj, the learned counsel for the petitioner submitted that there was a family dispute between the third respondent and her family members; that the third respondent had possession of the property belonging to her relatives; that the defacto complainant/third respondent's father also filed a Civil Suit in C.S.424 of 2017 against the third respondent to deliver the vacant possession of the property; that the petitioner is sought to be implicated due to the said family dispute and he has nothing to do with the said dispute; that further, the alleged occurrence is said to have been taken place between 05.03.2012 to 04.04.2018, whereas the impugned FIR was registered on 05.08.2019; that there is nothing in the impugned FIR to attract any of the offences



alleged against the petitioner and; that he prayed for quashing of the FIR filed against the petitioner.

4. The defacto complainant appeared in person on 08.06.2023 before this Court and sought time to engage a counsel. Today, the defacto complainant/party in person appeared and expressed her wish not to pursue the FIR. The learned Additional Public Prosecutor produced a letter written by her to the Inspector of Police expressing her wish to withdraw and close the complaint registered by her. The said letter reads as follows:

“I, S.Vidya, age 39 years residing at the above address, hereby put forth this request before your goodself to kindly accept this letter for further perusal.

Hence, I humbly request your goodself to accept my Withdrawal Letter and close my complaint. Kindly do the needful.”

5. The defacto complainant has appeared in person and confirmed that she had handed over the said letter to the Inspector of Police; and stated that the proceedings may be quashed.



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6. This Court is of the view that the dispute is between family members and a neighbour and since the defacto complainant herself has expressed her wish not to pursue the impugned FIR, no useful purpose would be served in keeping the FIR pending for investigation.

7. In view of the above, this Court is inclined to quash the impugned FIR to secure the ends of Justice. Hence, the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

19.06.2023

Index: Yes/No
Speaking Order / Non-Speaking Order
Neutral Citation: Yes / No
dk

To

The Public Prosecutor
High Court of Madras
Chennai – 600 104.



WEB COPY



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SUNDER MOHAN, J

dk

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