



WEB COPY



Crl OP No.32064 / 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Criminal Original Petition No.32064 of 2019
and
Crl.M.P. Nos.17583 and 17585 of 2019

Deepan Chakaravarthi

... Petitioner

Versus

1. State by
The Inspector of Police,
V7, Nolambur Police Station,
Nolambur, Chennai-37.

2. Thanuja

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records pertaining to the proceedings in CC.No.22 of 2019 on the file of the Judicial Magistrate at Ambattur and quash the entire proceedings.

For Petitioner : Mr.T.S.Lavanesh

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor for R1

: No Appearance for R2



Crl OP No.32064 / 2019

ORDER

WEB COPY The petition to quash the final report for the alleged offences under Sections 341, 294(b), 354, 354A, 506(2) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act .

2. It is alleged in the final report that the petitioner was harassing the second respondent stating that he was in love with her and that the second respondent had objected to the said act of the petitioner. On 07.10.2018 at about 06.00 p.m., the petitioner caught hold of the hand of the second respondent and abused her in filthy language and threatened to do away with her if she did not agree for marriage.

3. The learned counsel for the petitioner would submit that the FIR and the impugned final report are false. The petitioner and the second respondent were known to each other and the instant complaint was lodged at the instance of her father since he opposed the relationship. When the petitioner filed a petition to quash the FIR, he had filed an affidavit stating he is not interested in continuing with the relationship with the second respondent and that he would not disturb her in future.



Crl OP No.32064 / 2019

4. Based on the said affidavit, this Court passed the following

Order in Crl.OP.No.2589 of 2019 dated 01.02.2019;

“ The first respondent police is directed to take this affidavit into consideration and call the parties for an enquiry on 09.02.2019 at 10.30 a.m. The first respondent police shall properly instruct the parties thereafter close the case”.

However, the respondent filed the impugned final report in violation of the order passed by this Court and hence, the impugned final report is liable to be quashed.

5. The learned Additional Public Prosecutor appearing for the first respondent would submit that the impugned final report was filed on 04.02.2019 before the order passed by this Court was communicated to the respondent. The learned Additional Public Prosecutor further submits that on instructions that the defacto complainant is no longer interested in pursuing the proceedings.



Crl OP No.32064 / 2019

6. It is seen that this Court had already passed an order directing the respondents to call the parties for an enquiry, instruct them properly and thereafter close the case. This Court passed the order based on the affidavit filed by the petitioner. The order of this Court is extracted above.

7. While so, the respondent had mistakenly filed this final report on 05.02.2019 before the order passed by this Court was communicated to them. This Court also finds that the second respondent/defacto complainant is not interested in pursuing the proceedings.

8. In view of the above, no useful purpose would be served in keeping the impugned proceedings pending. Hence, this Court is inclined to quash the final report. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

03.04.2023

/v

Index: Yes/No

Speaking Order / Non-Speaking Order

NCC: Yes / No



Crl OP No.32064 / 2019

To

WEB COPY

1. The Judicial Magistrate,
Ambattur
2. The Inspector of Police,
V7, Nolambur Police Station,
Nolambur, Chennai-37.



WEB COPY



Crl OP No.32064 / 2019

SUNDER MOHAN, J

Vv

Criminal Original Petition No.32064 of 2019
and
Crl.M.P. Nos.17583 and 17585 of 2019

Dated: 03.04.2023