



Crl.O.P.No.33653 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.33653 of 2019

Lisa Jain

...Petitioner / A2

-Vs-

1.The State rep. by its:

Inspector of Police,
All Women Police Station,
W-31, St' Thomas Mount,
Chennai .

Crime No. 1 of 2019

... 1st Respondent / Complainant

2.Major Priya Jacquellin

... 2nd Respondent / Defacto Complainant

3.Iven D'cruz

... 3rd Respondent / A1

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the proceedings in FIR No.1 of 2019 on the file of the 1st respondent and to quash the same.

For Petitioner

: Mr. K. Venkatesan

For R1

: Mr. A. Damodaran,
Addl. Public Prosecutor

For R2

: No appearance



Crl.O.P.No.33653 of 2019

ORDER

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This Criminal Original Petition has been filed seeking to quash the FIR in Crime No. 1 of 2021 on the file of the 1st respondent, filed for the offences under Sections 420 and 352 of IPC.

2.It is alleged in the FIR that the defacto complainant and the 1st accused were in a relationship and intended to marry. Thereafter, the 1st accused had refused to marry the defacto complainant and was trying to avoid the defacto complainant; that the family members of the 1st accused were against the marriage between them. When the defacto complainant questioned the 1st accused regarding the marriage, he started harassing the defacto complainant and had also beaten her in public; that the defacto complainant later came to know that the 1st accused had cheated the defacto complainant and was in relationship with the petitioner / A2.

3.The learned counsel for the petitioner submitted that there is absolutely no allegation against the petitioner with regard to the alleged offences of Sections 420 and 352 IPC. The allegation is as against the 1st accused that he had cheated the defacto complainant. It is alleged that the



Crl.O.P.No.33653 of 2019

petitioner / A2 had a relationship with the 1st accused. Even if it is accepted to be true, it would not constitute any of the offences alleged.

The petitioner has been implicated only to harass due to the dispute between the 1st accused and the de-facto complainant. Hence, he prayed for quashing of the impugned FIR.

4.The learned Additional Public Prosecutor appearing for the 1st respondent, fairly submitted that the allegations of cheating is against the 1st accused only.

5.Since notice could not be served on the 2nd respondent, this Court had instructed the learned Additional Public Prosecutor to direct the 1st respondent to inform the 2nd respondent about the pending proceedings. The defacto complainant had given a letter to the Investigating Officer that she is out of the country and that she is not interested in pursuing the complaint anymore. The said letter has been produced before this Court.



Crl.O.P.No.33653 of 2019

6.This Court finds that the allegations in the impugned FIR would not attract any offence as against the petitioner. The petitioner has been implicated only to wreak vengeance on the 1st accused, who is alleged to have cheated the defacto complainant. Merely, because the petitioner had a relationship with the 1st accused, she cannot be held liable for either the offence under Section 420 or 352 IPC. Further, it is seen that the defacto complainant is no longer interested in pursuing the complaint. Since no offences are made out as against the petitioner and the impugned FIR is malafide and frivolous, this Court is inclined to quash the proceedings in Crime No. 1 of 2019 on the file of the 1st respondent.

7.For all the above reasons, this Criminal Original Petition is allowed.

09.06.2023

smv

Index : Yes/No

Speaking : Yes / No

Neutral Citation : Yes / No



Crl.O.P.No.33653 of 2019

To,

1. Inspector of Police,
All Women Police Station,
W-31, St' Thomas Mount,
Chennai .

2. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.33653 of 2019

SUNDER MOHAN,J.

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Crl.O.P.No.33653 of 2019

09.06.2023