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Crl.O.P.(MD)No.3027 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : **17.04.2023**

Delivered on : **02.06.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE **R.THARANI**

Crl.O.P.(MD) No.3027 of 2020

1.A.Nancy

2.A.Dhanam

... Petitioners / Respondents

Vs.

R.Rahul @ Pitchai Durai

... Respondent/ Petitioner

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records connected with the case in C.C.No. 1478 of 2019 pending on the file of the Judicial Magistrate No.V, Madurai and to quash the same as illegal.

For Petitioners : Mr.S.Malaikani

For Respondents : Mr.K.Thirupathi Vengadeswaran

ORDER

This petition is filed to quash the case in C.C.No.1478 of 2019 pending on the file of the Judicial Magistrate No.V, Madurai.



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2. 1. The case against the petitioner is that the respondent has completed B.Com (C.A.) and C.M.A. and he was working as an Auditor and he loved the first petitioner. The first petitioner assured him to marry him. On 11.12.2016, on the occasion of the birth of the first petitioner, the defacto complainant provided food for children in a home and he spent Rs.5,000/-. On 15.07.2018, the defacto complainant paid Rs.75,000/- to the first petitioner and her mother/second petitioner. On 20.04.2019, the first petitioner handed over her educational certificate, Aadhar card, Family card, Identity Card to the respondent for conducting a registered marriage. Thereafter, when ever the respondent made a call to the first petitioner from 10.05.2019 till 13.05.2019, she did not attend the call.

2.2. On 16.05.2019, the defacto complainant lodged a complaint before the All Women Police Station, Crime Branch, Madurai Town. Since the complaint was not accepted, he filed a complaint before the Commissioner of Police, Madurai City, on 27.05.2019, which was forwarded to the Karimedu Police Station, where enquiry was conducted, wherein the first petitioner gave a statement that she was not love with the defacto complainant and that the defacto complainant was only a



friend. On 07.06.2019, at about 7.00 pm, when the respondent was near Vamsavali Briyani Shop, the first petitioner came on the way and she criminally intimidated him and the respondent filed the impugned complaint.

3. On the side of the petitioners, it is stated that the allegation in the complaint is false. The present quash petition is without any basis. The petitioner has not committed any offence under Sections 406, 420 and 506(i) of I.P.C. The respondent proposed the first petitioner, the first petitioner clearly told him that she can marry man of her parents choice and arrangements are being made for the marriage of the first petitioner with a man of her parents and relatives choice. With a motive to stop the marriage, the respondent has come forward with the false complaint. There is no material to take cognizance of the case, even from the complaint, it is clear that the first petitioner did not pick up the call of the respondent from 10.05.2019 till 13.05.2019 and that he gave complaint only on 16.05.2019, then after a lapse of 11 days, ie. on 27.05.2019, he preferred the complaint before the Commissioner of Police, Madurai City. Since he failed to prove the money transaction and the love affairs, the complaint was closed, then, he put up a new story as if on 07.06.2019, at about 7.00 pm., the first petitioner criminally



intimidated him. For this intimidation, no complaint was filed before any police station. The first petitioner was a Student of B.Sc (Nursing), only with an intention to stop the marriage of the first petitioner, the respondent has filed this false complaint. There is absolutely no evidence to prove that the respondent has paid a sum of Rs.75,000/- to the petitioners and prayed the case to be quashed.

4. The petitioner side argument was heard on 20.03.2023 and the case was adjourned for respondent side argument on 31.03.2023. On 03.04.2023, since the respondent side is not ready for argument, the matter was adjourned under the caption no further adjournment and the case was posted to 17.04.2023. Even today (ie.on 17.04.2023), the respondent side not ready for argument and hence, no oral argument on the side of the respondent was recorded.

5. There is an allegation that there was some love affairs between the first petitioner and the respondent. The allegation of the respondent is that he handed over a sum of Rs.75,000/- to the petitioners. No supporting document was filed on the side of the respondent, regarding the money transaction. There was no oral arguments on the side of the respondent.



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6. In the above circumstances, this Petition is allowed and the private complaint in C.C.No.1478 of 2019 pending on the file of the Judicial Magistrate No.V, Madurai, against the petitioners is quashed. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Ls

02.06.2023

To

1.The Judicial Magistrate No.V,
Madurai.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.THARANI. J.

Ls

Pre-delivery order made in
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