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Crl.O.P.No.2351 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.2351 of 2024
& Crl.M.P.Nos.1690 & 1689 of 2024

1. Mr.Antony Richard.	... 1 st Petitioner/1 st Accused
2. Mr.Jeya Mariyam George.	... 2 nd Petitioner/2 nd Accused
3. Mr.Subash	... 3 rd Petitioner/3 rd Accused

/versus/

1. The State, Rep by Inspector of Police, SRMC, Avadi, Chennai – 600 056.	... Respondent/Complainant
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2. Mrs.Anusha	... Respondent/defacto Complainant
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Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to quash the C.C.No.422 of 2023 on the file of the Judicial Magistrate-I, Poonamallee and pass further order.

For Petitioners	: Mr.Nithyesh Nataraj, for Mr.S.Nirmal Aditya
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For R1	: Mr.S.Udaya Kumar, Government Advocate (Crl.Side)
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For R2	: Mr.B.Nedunchezhiyan
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ORDER

This Criminal Original Petition is filed to quash the criminal case pending against this petitioners for the alleged offence under Section 341, 323 and 354 of I.P.C.

2. The Learned Counsel appearing for the petitioners submitted that an exaggerated complaint given by the 2nd respondent, who is the estranged wife of the 1st petitioner been taken up for investigation and final report filed against these three petitioners which has no basic foundational facts to proceed against them.

3. According to the Learned Counsel for the petitioners, the defacto complainant is having extramarital affair with other person and she has taken her minor son to that place and therefore, to retrieve the boy from bad influence, the petitioners went and secured the minor boy. While so, as if, the defacto complainant was wrongfully restrained by five known persons and few unknown persons and kidnapped the boy, false complaint was registered and thereafter, the police has filed final report as against three petitioners for the offence under Section 341, 323 and 354 of I.P.C.

4. According to the Learned counsel for the petitioners the entire



complaint is exaggerated with bereft of truth and therefore, same has to be quashed.

5. The Learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that, no doubt the complaint of the 2nd respondent is an embellished complaint which exaggerated the incident. After recording the statement of witnesses and other material collected from the scene of crime, the offence of wrongful restrain of the complainant, hurt and molesting her modesty is made out and therefore, final report filed under appropriate Sections. Investigation revealed that the minor boy wants to go along with their father i.e., 1st petitioner. The minor boy had been in the custody of the 2nd respondent/the defacto complainant against the wish of the minor boy and no charge for kidnapping been framed against these petitioners.

6. On perusing the record, this Court finds that the Investigating Officer had removed the charge from the FIR and had filed final report with material which is sufficient to frame charge.



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7. Therefore, this Court finds no reason to interfere in the trial by entertaining the quash petition. Hence, this criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

15.07.2024

Index :Yes/No.
Internet :Yes/No.

bsm

To:-

1. The Judicial Magistrate-I, Poonamallee.
2. The Inspector of Police, SRMC, Avadi, Chennai – 600 056.
3. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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