



Crl.O.P.No.8656 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.8656 of 2022
and
Crl.M.P.Nos.5039 & 5042 of 2022

Thiyagarajan

... Petitioner

Versus

1. State rep. by
Inspector of Police,
G-10, Anaicut Police Station,
at Pavunjur, Chengalpattu Dt.
(Crime No.40 of 2018)

2. A.Kanjana

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the charge sheet in C.C.No.231 of 2020 on the file of the District Munsif cum Judicial Magistrate, Cheyyur, Chengalpattu District and quash the same.



Crl.O.P.No.8656 of 2022

For Petitioner : Mr.C.D.Johnson
For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side) for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C. No. 231 of 2020 on the file of District Munsif cum Judicial Magistrate, Cheyyur, Chengalpattu.

2. Heard both sides.

3. The petitioners is arrayed as accused in the F.I.R. in Crime No.40 of 2018 registered for the offence under Sec.341, 294(b), 506(1) of I.P.C. Subsequently, the charge sheet has been filed and the same was taken on file in C.C.No.231 of 2020 on the file of District Munsif cum Judicial Magistrate, Cheyyur, Chengalpattu and the same is pending. Now, the petitioner had filed this petition praying to quash the said charge sheet.



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4. Today, when the matter taken up for hearing, learned counsel for petitioner would submit that though the allegations levelled against him is false, he assured that he would not cause any interference in the affairs of 2nd respondent/defacto complainant's family and also assured that he would not have any relationship with 2nd respondent/defacto complainant's mother. To that effect, he has filed an undertaking affidavit, more particularly, in para 14, he assured as follows :-

“14. I further submit that I no way will interfere in the family affairs of defacto complainant's family or I assure I will not have any relationship with the defacto complainant's mother.”

5. Though the learned Government Advocate appearing for 1st respondent raised objections, on seeing the facts, the 2nd respondent/defacto complainant gave a complaint against the petitioner and he was falsely implicated with her mother's claim. But, the petitioner filed an affidavit stating that he was falsely implicated in the criminal case due to election vendetta, but he admits that he would not cause any



Crl.O.P.No.8656 of 2022

WEB COPY

interference to the affairs of 2nd respondent/defacto complainant's family and her mother. The affidavit filed by the petitioner is recorded. Therefore, I do not find any merit in the charge sheet initiated against the petitioner and the same is liable to be quashed. Accordingly, this Criminal Original Petition is allowed and the proceedings initiated against the petitioner in a charge sheet in C.C.No.231 of 2020 on the file of District Munsif cum Judicial Magistrate, Cheyyur, Chengalpattu is quashed. Consequently, connected Criminal Miscellaneous Petitions are closed. The affidavit filed on the side of petitioner shall form part and parcel of the order.

21.02.2024

Index: Yes/No
Internet: Yes/No
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To

1. Inspector of Police,
G-10, Anaicut Police Station,
at Pavunjur, Chengalpattu Dt.
2. The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.8656 of 2022

T.V.THAMILSELVI, J.

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CRL.O.P.No.8656 of 2022

21.02.2024