



Crl.O.P.No.8212 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.8212 of 2024
& Crl.M.P.No.5967 of 2024

Karthick ... Petitioner/Accused

/versus/

1. The State Represented by
The Inspector of Police,
AWPS-Guindy,
Chennai. ... 1st Respondent/Complainant

2. Deepa. ... 2nd Respondent/Defacto complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to Crime No.16 of 2017 dated 12.12.2017 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.C.P.Sivamohan

For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition is filed to quash the F.I.R which is pending for nearly 7 years. It is a case where a lady by name Deepa giving her address as No.7/8, Bishop David Nagar, 1st East Cross Lane, Vellore who is the defacto complainant has given the complaint to the All Women Police Station, Guindy alleging that the petitioner herein had developed acquaintance with her through her friend and raped her and also taken her money and jewels, under the pretext that he will marry her. However, having failed to marry her and threat her to kill, a complaint has been registered in Crime No.16 of 2017 for the offences under Section 376, 420 and 506(2) of I.P.C.

2. The Learned Counsel for the petitioner submits that it is a clear case of intimidation and blackmailing to extract money and even after 7 years, the police is unable to proceed with the investigation since the complainant had not found in the address given by her which apparently a fake address.

3. The Learned Government Advocate (Crl.Side) appearing for the 1st respondent submits that no doubt the summons sent to the defacto complainant on



03.01.2018 and thereafter could not be served and the Tahsildar, Vellore had informed the Investigating Officer that the defacto complainant is not residing in the said address. The other investigation has disclosed that this lady has gone to some foreign Country and therefore, attempt was made to trace her whereabouts through Regional Passport Office but that ended in vain since her passport details are not available.

4. This Court, on perusing the complaint which was given on 12.12.2017 alleging the incident of rape occurred on 05.10.2017 had not proceeded except registering the complaint. The very next month after registering the complaint, the defacto complainant has gone incognito and for the past 7 years, the police could not find her whereabouts. The communication of the Tahsildar, Vellore, dated 20.01.2024 indicates that there is no such person residing in that given address.

5. In the light of the above fact, this Court is of the view that the investigation in the complaint has not been proceeded for more than 7 years and when the defacto complainant's whereabouts also not known, the F.I.R cannot be



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kept pending any further, since it will affects the reputation of the petitioner.

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6. Hence, this ***Criminal Original Petition is allowed.*** The petition to quash the F.I.R in Crime No.16 of 2017, dated 12.12.2017 on the file of 1st respondent police is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

02.04.2024

Index :Yes/No.
Internet :Yes/No.
Speaking Order/Non-Speaking Order
bsm

Copy to:-

1. The Inspector of Police,
AWPS-Guindy,
Chennai.
2. The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN, J.

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