



Crl.O.P.No.12028 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2024

CORAM:

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

Crl.O.P.No.12028 of 2022

and

Crl.M.P.No. 6766 of 2022

1. Arunkumar
2. Augustus Pradheep @ Pradheep ... Petitioners

Vs.

1. State rep. by
The Inspector of Police,
Katpadi Police Station,
Vellore.

2. Divya .. Respondents

PRAYER : Criminal Original Petition filed under Sec.482 of Criminal Procedure Code, to call for the records from the 1st respondent police in Crime No.705 of 2021 and to quash the same.

For Petitioners : Mr.R.Thirumoorthy

For Respondents : Mr. S.Vinoth Kumar
Govt. Advocate (Crl. Side) for R1

R2 – No appearance



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ORDER

This Criminal Original Petition has been filed seeking to quash the F.I.R. in Crime No. 705 of 2021 on the file of 1st respondent police.

2. Heard both sides.

3. The petitioners are ranked as 1st and 2nd accused in the F.I.R. in Crime No.705 of 2021 registered for the offence under Sec.294(b), 323, 324 of I.P.C. r/w Sec.4 of Tamil Nadu Prohibition of Women Harassment Act based on the complaint given by the 2nd respondent/defacto complainant.

4. The learned counsel for petitioners would submit that they prayed to quash the proceedings stating that both are falsely implicated in this case by the 1st respondent police and on that day, no such occurrence was happened. He would also submit that the 1st petitioner is an advocate



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by profession and 2nd respondent/defacto complainant is his client, except that there is no other role with other allegations as alleged in the complaint. However, she used to make such type of complaint in order to make harassment and to that effect, the petitioner relied similar set of complaint given by the 2nd respondent/defacto complainant against one Tony Ezhilarasan in S.C.No. 161 of 2016. In that case also, the allegation levelled against the accused for an offence under Sec.417, 294(b) and 506(i) of I.P.C. In that complaint, she made an allegation that the said accused Tony Ezhilarasan made to believe him and gave a fraudulent promise, thereby he had illicit intimacy with her and he committed rape according to her allegations.

5. Today, when the matter taken up for hearing, there is no representation on the side of 2nd respondent. The learned Government Advocate (Criminal Side) appearing for 1st respondent would submit that already there was a same set of complaint against one Tony Ezhilarasan was ended in acquittal, wherein she turned hostile.



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6. Admittedly, the said complaint was taken on file in S.C.No.766 of 2019 on the file of Mahila Court, Vellore and in that case, the said 2nd respondent/defacto complainant (P.W.1) was turned hostile, thereby the said Tony Ezhilarasan was acquitted. So, as per the complaint given by the 2nd respondent/defacto complainant in that case, she made an allegation that the said Tony Ezhilarasan refused to marry her. But, during trial, she turned hostile and gave evidence that no such occurrence was happened. So, on coming to the facts of the present case, she has given a complaint that 1st petitioner misbehaved with her and also planned to have separate life at Chennai. It is an admitted fact that 1st petitioner was already got married. Therefore, I do not find any prima facie evidence and even in the earlier case, the 2nd respondent/defacto complainant turned hostile stating that no such occurrence was happened. The same set of allegation levelled against the 1st petitioner shows that the defacto complainant used to make such complaint, which is also amounting to abuse of process of law. Hence, I do not find any materials to proceed with the F.I.R. and the same is liable to be quashed.



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Accordingly, this Criminal Original Petition is allowed and the proceedings initiated in F.I.R. in Crime No.705 of 2021 by the 1st respondent police is quashed. Consequently, the connected Criminal Miscellaneous Petition is closed.

11.01.2024

Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order
rpp
To

1. Inspector of Police,
Katpadi Police Station,
Vellore.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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