



CrI.O.P.No.10747 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.10747 of 2023
and CrI MP No.6801 of 2023

Mrs.G.Gowri

... Petitioner/Accused

Vs.

1. The Union Territory of Puducherry,
The Inspector of Police,
Mudaliarpet Police Station,
Puducherry

2. Mr.Mani

...Respondent/Complainant

Criminal Original Petition under Section 482 of the Criminal Procedure Code filed to call for the records in Cr.No.189 of 2022 pending on the file of the Inspector of Police, Mudaliarpet Police Station, Puducherry.

For Petitioner : Mr.V.S.Senthil Kumar

For Respondent : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor
(Puducherry) for R1



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ORDER

This Criminal Original Petition has been filed challenging the FIR in Crime No.189 of 2022 pending investigation on the file of the 1st respondent.

2. The 2nd respondent had given a complaint before the 1st respondent to the effect that he had approached the husband of the petitioner Gajendran to get a medical seat for his son. The husband of petitioner had promised to get the seat and had taken a sum of Rs.15,00,000/- from the 2nd respondent. Thereafter the said Gajendran did not get the medical seat and he also refused to repay back the money. The complaint given to the police was also not enquired and therefore, the 2nd respondent filed an application under Section 156(3) of Cr.PC before the concerned Court and based on the directions given by the Court, an FIR came to be registered by the 1st respondent in Crime No.189 of 2022 for offence under Section 420 and 34 of IPC. The petitioner has been arrayed as A2 in the FIR. Apart from the petitioner, the son of the petitioner was also added as A3 in the FIR.



3. Heard the learned counsel for the petitioner. Notice that was sent to the 2nd respondent returned with an endorsement “addressee cannot be located” and thereby, the cover has been sent back and the affidavit of service has also been filed.

4. On carefully reading the allegations made in the complaint, it is seen that it is only the husband of the petitioner who had promised to get the medical seat and had received the money. The petitioner happens to be the wife of A1 and by making a general allegation against her, she has been roped in as an accused. That apart, the son of the petitioner has also been roped in as an accused. It is brought to the notice of this Court that A1 has already died. Hence, the charge against A1 abates.

5. The continuation of the criminal prosecution as against the petitioner and her son will clearly amount to an abuse of process of law. The petitioner and her son never had any dealing with the 2nd respondent and it is only the husband of the petitioner, who was dealing with the 2nd respondent. Therefore, for the alleged crime committed by A1, his wife and son cannot



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be made to suffer as accused.

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6. In the light of the above discussion, the FIR in Crime.No.189 of 2022 pending on the file of the Inspector of Police, Mudaliarpur Police Station, Puducherry, is hereby quashed insofar as A2 and A3 are concerned. Insofar as A1, he has already died and the charge abates. Accordingly, the entire FIR fails.

7. This Criminal Original Petition is partly allowed. Consequently, the connected miscellaneous petition is closed.

14.03.2024

rka

Index : Yes/No

Speaking order:Yes/No

Neutral citation:Yes/No



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N.ANAND VENKATESH,J

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To

1. The Union Territory of Puducherry,
The Inspector of Police,
Mudaliarpet Police Station,
Puducherry
- 2.The Public Prosecutor,
Madras High Court.

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