



WEB COPY



Crl.O.P.No.20043 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.20043 of 2022

Crl.M.P.Nos.13146 & 13148 of 2022

1.M.Mohammed Arif
2.R.Manjula
3.R.Vignesh
4.K.Kathirvel
5.R.Bharath
Petitioners

...

Versus

1.The State
Rep by Inspector of Police
J-8, Neelankarai Police Station
Chennai

2.G.Muthukrishnan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for records in C.C.No.148 of 2022 pending on the file of the learned Judicial Magistrate, Alandur and quash the same.

For Petitioner : Mr.R.Ramesh

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



CrI.O.P.No.20043 of 2022

WEB COPY

ORDER

This Criminal Original Petition has been filed seeking to call for records in C.C.No.148 of 2022 pending on the file of the learned Judicial Magistrate, Alandur and quash the same.

2. The petitioners are ranked as A1 to A5 in Cr.No.148 of 2022 on the file of the respondent police, based on the complaint given by the 2nd respondent defacto complainant. After completion of investigation, final report is filed and the same is take on file in C.C.No.148 of 2022 on the file of the learned Judicial Magistrate, Alandur. Aggrieved, the petitioner has filed this petition seeking for quashment of the final report.

3. According to the petitioners, they were falsely implicated in the case, in fact, no such happenings had occurred on that date nor they allegedly kidnapped the said Solomon as per the allegations of the complaint. Further, they also averred that the said Solomon is having illegal intimacy with one Fathima, the wife of the first petitioner. When it was questioned, all the petitioners were foisted with the criminal case. Hence, seeks to quash the final report.



CrI.O.P.No.20043 of 2022

4. Admittedly, the defacto complainant is the owner of shop, wherein, the said Solomon was employed. On the date of alleged occurrence, there was a wordy quarrel between the the said Solomon and the petitioners. Since, the wife of the first petitioner was absconded and as she had already having illegal intimacy with the said Solomon, they inquired him. Aggrieved by the inspection, the shop owner gave a false complaint on the instigation of Solomon.

5. The learned counsel for the petitioner would submit that already there was a matrimonial dispute between the A1 and his wife, now they got divorced and separated. Further, before the alleged occurrence, the wife of the A1 was absconded, so that the petitioner inquired the Solomon in the defacto complainant's shop.

6. Heard both sides and perused the materials placed on record.

7. On perusal of the final report, as reiterated by the learned counsel for the petitioner, the said Fathima was not being enquired by the investigating authority and even the witnesses were also not enquired. Even the Solomon, who had illegal intimacy with the wife of the A1 has not been enquired. The



CrI.O.P.No.20043 of 2022

statement of Fathima is very necessary to prosecute the petitioners without that being so, the final report has been filed by the prosecution, which this Court is of the view frivolous and vexatious. There is no material ingredients to show that Solomon was kidnapped on that day, except the statement of the defacto complainant. Therefore, the fact reveals that the Solomon had developed illegal intimacy with the wife of the first petitioner, there was a wordy quarrel on that day, now both A1 and his wife were separated but all other family members were dragged into criminal proceedings. Hence, this Court is inclined to quash the proceedings as against the petitioners in C.C.No.148 of 2022 on the file of the learned Judicial Magistrate, Alandur.

8. Accordingly, this petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

08.02.2024

dhk



Crl.O.P.No.20043 of 2022

To

1.The Judicial Magistrate
Alandur

2. The Inspector of Police
The State of Tamil Nadu
J-8, Neelankarai Police Station
Chennai

3.The Public Prosecutor,
Madras High Court, Chennai

T.V.THAMILSELVI, J.



WEB COPY



CrI.O.P.No.20043 of 2022

dhk

CrI.O.P.No.20043 of 2022

08.02.2024