



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2024

CORAM:

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

CRL.OP No. 24659 of 2022

Crl.MP. No. 15504 & of 2022 & 5430 of 2024

1 P.SENTHILKUMAR

...Petitioner

Vs.

1 THE CHIEF IMMIGARATION OFFIC
ER BUREAU OF IMMIGRATION MINISTRY OF HOME
AFFAIRS SASTRI BHAVAN HADDOWS ROAD CHENNAI

2 THE SUPERINTENDENT OF POLICE
THE NILGIRIS DISTRICT

3 STATE REP BY
INSPECTOR OF POLICE DEVARSO LAI POLICE
STATION NILGIRIS

4 S.DHANYA
W/O AJESH KUMAR KUZHALAMADHAM KARA
KUZHALAMADHAM VILLAGE PALAKKAD KERALA

...Respondents



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PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for the records pertaining to the case STC No. 569 of 2021 pending trial before the judicial Magistrate court, Gudalur and quash the same.

For Petitioner : Mr.K.Sathyabal

For R2 & R3 : Mr.S.Vinoth Kumar,

Government Advocate (Crl. side)

ORDER

The petitioner herein filed this petition to call for the records pertaining to the case STC No. 569 of 2021 pending trial before the judicial Magistrate court, Gudalur and quash the same.

2. The petition filed by the petitioner in Crl. MP. No. 5340 of 2024 in Crl.OP No. 24659 of 2022 to amend the prayer is ordered as prayed for.

3. The learned counsel for the petitioner submits that the petitioner herein is the wife of the defacto complainant based upon the complaint given by his wife/fourth/the respondent herein on 11.12.2019 FIR was filed against the petitioner under Sections 294(b), 506(1) IPC and thereafter the



second respondent sent a requisition to the the first respondent to issue the look out notice circular against the petitioner. Subsequently, LOC(Look Out Circular) No.1/SIC/ACK/LoC/2019 issued on 30.12.2019 by the first respondent. The final report also filed against the petitioner in STC No. 569 of 2021. According to the petitioner, he got married with the one Dhanya/fourth respondent herein on 16.02.2016 and brought her to UAE on 26.02.2016 itself. During her stay in UAE she used to behave very rudely and abnormally and thereafter she was taken to the Doctor in UAE and it was found that she was in the primary stage of Lunacy and took treatment for that. They used to give counseling and during that time the petitioner subjected to all sorts of inhuman treatment tortured by his wife/fourth respondent. Hence, she back to India, and left her in the petitioner's home at Perambalur, where she was given treatment. While so, she gave birth to one male child in the year 2017 and not allowed the petitioner to see the child. Thereafter, she stated that she ready to give consent for the divorce. In the meanwhile, on 02.06.2019, the fourth respondent/wife of the petitioner eloped with one Siva chidambaram. Immediately, the petitioner gave a complaint on 04.06.2019 and 26.06.2019 to find out his wife. Thereafter, the enquiry was conducted by the Devarsolai police and they summoned



them to appear in person. They came to the police station and she admitted her adulterous life and refused to live with the petitioner and decided to divorce him and same was videographed by the police. Further, she stated that she wanted to sort out all the issues through appropriate court of law and CSR was closed after making endorsement. Subsequently, the petitioner applied for divorce in HMOP No. 49 of 2019. While being so, the forth respondent lodged false complaint as if the petitioner scolded her and also threatened her and FIR was filed in crime No. 113 of 2019 on 11.12.2019. Thereafter, the second and third respondent sent a requisition to the first respondent to take steps prevent the petitioner from going to his work place. Based on the requisition the first respondent issued Impugned LOC No. 1/SIC/ACK/LOC/2019 on 30.12.2019. Challenging the said look out circular. The petitioner filed this petition.

4. Further, he submits that fourth respondent/wife of the petitioner had illegal intimacy with the one person to that effect he produced the copy of the complaint given by the petitioner which shows that she had illegal intimacy with one person. Furthermore, the occurrence was said to be happened on 06.12.2019, the complaint was lodged after five days on 11.12.2019 . Therefore, he prayed to quash the STC No. 569 of 2021.



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5. Considering the submissions on either side, it is alleged by the petitioner that the defacto complaint (R4) is living with other person on the other hand, the petitioner was harassed by the R4 by filing the false complaint. Further, there is no prime material on the side of the prosecution that on the alleged date he abused the defacto complainant in filthy language. In fact, there is no evidence on the side of the prosecution that while seeing the children the petitioner abused the defacto complainant with filthy language. Hence, proceedings against the petitioner in STC No. 569 of 2021 is quashed.

6. In the result, this criminal original petition is allowed. No Costs. Consequentially, connected miscellaneous petition is closed.

25.03.2024

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To
The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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