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Crl.O.P.No.22774 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2024

CORAM:

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Crl.O.P.No.22774 of 2023

and

CRL.MP.No.15947 of 2023

1.Raj Mohan
2.Rajesh
3.Sakarai
4.Kaliyammal

...Petitioners

Versus

1.State Represented by
Inspector of Police
All Women Police Station, Ulundurpet,
Kallakurichi,
Crime No.2 of 2023.

2.Vijayalakshmi

...Respondents

Prayer:Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to

a). Dispense with the production the certified copy of FIR in Crime No.2 of 2023 on the file of All Women Police Station, Ulundurpet, Kallakurichi District.

b). Stay all further proceedings in Crime No.2 of 2023 on the file of All Women Police Station, Ulundurpet, Kallakurichi District pending disposal of the present criminal original petition.



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c) call for the records and quash the FIR in crime No.2 of 2023 on the file of All Women Police Station, Ulundurpet, Kallakurichi District as against the petitioner.

For petitioners : Mr.Nissar Ahamed
Sr. Counsel for
M/s.I.Kowsar Nissar

For respondents : Mr.A.Gopinath
Government Advocate (CrI.Side)
for R1
: M/s.Krishnasamy Chinnasamy
for R2.

ORDER

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to dispense with the production of the certified copy of FIR in Crime No.2 of 2023 on the file of All Women Police Station, Ulundurpet, Kallakurichi District, to stay all further proceedings in Crime No.2 of 2023 on the file of All Women Police Station, Ulundurpet, Kallakurichi District pending disposal of the present criminal original petition and to call for the records and quash the FIR in crime No.2 of 2023 on the file of All Women Police Station, Ulundurpet, Kallakurichi District as against the petitioner.

2. When the matter came up for hearing on 22.01.2024, this Court passed the following order:



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“Mr.A.Gopinath, learned Government Advocate (CrI.Side) takes notice for the 1st respondent. M/s.Krishnasamy Chinnasamy, learned counsel takes notice for the 2nd respondent.

2. Mr.Nissar Ahamed, learned Senior Counsel appearing on behalf of the petitioners submitted that the 2nd respondent who has given this complaint was already married to one A.Ayyanar and the marriage is in subsistence. To Substantiate the same, learned Senior Counsel relied upon the Family Card that was issued in the name of said Ayyanar, the Voter Identity Card that was issued in the name of the 2nd respondent and also the voters list. Learned Senior Counsel submitted that the 2nd respondent is aged about 30 years and even assuming that she developed relationship with the 1st petitioner, it will not constitute an offence of cheating or rape, since she was aware of the consequences. In spite of the same, she continued with the relationship.

3.The learned Government Advocate appearing on behalf of the 1st respondent submitted that a child was also born through the relationship and as per the Birth Certificate, the name of the 1st respondent is shown as father and the name of the 2nd respondent is shown as mother. The male child was born on 24.08.2022 and he has been named as Rohan.

4. The learned counsel for the 2nd respondent seeks for some time to take instructions in this case.

5. Considering the materials placed before this Court, no useful purpose would be served in continuing the criminal prosecution and in the interest of both parties, they should come to a settlement. The learned counsel for the 2nd respondent wants to take instructions in this regard.

6. It is also seen from records that petitioners 2 to 4 have been unnecessarily roped in as an accused and they had nothing to do with the relationship of the 1st petitioner and the 2nd respondent.



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7. Considering the above facts and circumstances, there shall be an order of stay of investigation in Cr.No.2 of 2023, pending disposal of this Criminal Original Petition. Post this case under the caption 'for passing further orders' on 19.02.2024."

3. When the matter was taken up today for hearing, the 2nd respondent/ Vijayalakshmi was present before this Court along with the child. The learned counsel for the respondent on instructions submitted that the 2nd respondent never married A.Ayyanar and that she always live only with the petitioner.

4. Mr.A.Gopinath, learned Government Advocate (Crl.Side) on instructions submitted that even before the interim order was passed by this Court on 22.01.2024, the final report was filed before Judicial Magistrate No - II, Ulundurpet on 01.11.2023 and the same has been taken on file in PRC No.10/2023,

5. In view of the above development, no further orders can be passed in this petition. If the petitioner is aggrieved by the pending proceedings, it is left open to the petitioner to workout his remedy in the manner known to law.



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WEB COPY 6. With the above observations and directions, this criminal original petition stands disposed of. Connected Miscellaneous Petition is also closed.

19.02.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation Case: Yes/No
nst

To:

1. All Women Police Station, Ulundurpet, Kallakurichi District.
2. The Public Prosecutor
High Court of Madras.



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N. ANAND VENKATESH,J.

nst

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