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Crl.O.P.No.28151 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.28151 of 2022

and

Crl.M.P.No.17317 of 2022

A.Narayanan

... Petitioner

Vs.

1.The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai District.
Crime No.1330 of 2013

2. B.Vasanthi

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records and to quash the FIR in Crime No.1330 of
2013 pending investigation on the file of the 1st respondent.

For Petitioner : Mr.R.C.Paul Kanagaraj

For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



CrI.O.P.No.28151 of 2022

ORDER

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The petitioner has filed this petition to call for the records and to quash the FIR in Crime No.1330 of 2013 pending investigation on the file of the 1st respondent.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the Commissioner of Police on 16.10.2012, it if forwarded to the respondent based on which the case was registered and in the complaint it was stated that during 04.06.2013, the defacto complainant along with her husband boarded a bus at Koyembedu at about 10 p.m. And at that time an unknown person who was sitting in the front seat had a casual talk with the defacto complainant's husband moved to another seat. The petitioner received the mobile phone of the defacto complainant for making a call and stored the number of the defacto complainant without her knowledge and thereafter the defacto complainant and her husband went to Kovilpatti to her brother's house. Thereafter, the petitioner continuously called the defacto complainant and tortured her to come and meet him, and when the defacto complainant refused, the petitioner threatened her that her phone number will be given to all his friends, not able to sustain the torture,



CrI.O.P.No.28151 of 2022

the defacto complainant met the petitioner at Gill Nagar Park and thereafter the defacto complainant was taken into Auto Ricksha by the petitioner and she was made to drink a juice and thereafter the defacto complainant lost her consciousness and utilizing the situation the petitioner had taken away the defacto complainant's 4 chains and 3 rings worth about 8 Sovereigns. Thereafter, a complainant was lodged against the petitioner in Crime No.1330 of 2013 for the offences under Sections 406, 328, 379 of IPC. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution and the complaint was registered on 18.10.2013, till date there is no progress in the investigation. He further submitted that the FIR registered by the 1st respondent is against law and to the principles of natural justice and the offences mentioned in the FIR do not make out a case as against the petitioner under Section 406, 328 and 379 of IPC and the occurrence date was not mentioned in the FIR and also the reason for delay in lodging the complaint was not mentioned in the FIR. Hence, he prays to quash the FIR in Crime No.1330 of 2013 on the file of the 1st respondent



Crl.O.P.No.28151 of 2022

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for the 1st respondent submitted that the 2nd respondent / defacto complainant is not inclined to proceed with the case. To that effect, she gave a letter by her own hand writing and the same also produced before this Court.

5. On a perusal of the records, it reveals that the defacto complainant is settled with her husband at Kovilpatti, due to her age and illness she is not inclined to proceed with the matter and on a perusal of the letter, she is aged about 52 years, based upon her complaint FIR was lodged in the year 2013, now she is not inclined to proceed with the case. Furthermore, the petitioner also filed an undertaking affidavit not to commit any similar activities. Admittedly, the petitioner is working as a constable in CRPF from the year 1999 and after registration of the complaint he was suspended from his service.

6. Considering the facts and circumstances, that the defacto



CrI.O.P.No.28151 of 2022

complainant is not inclined to proceed with the case and also considering the undertaking affidavit given by the petitioner, this Court is inclined to quash the proceedings of the FIR in Crime No.1330 of 2013.

7. Accordingly, this Criminal Original Petition is allowed.

Consequently, connected Miscellaneous petition is closed.

24.01.2024

Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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To

1. The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai District.
Crime No.1330 of 2013

2.The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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