



Crl.O.P.(MD) No.20904 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.20904 of 2021

and

Crl.M.P.(MD) No.12027 of 2021

Lingaraja

... Petitioner

Vs.

1.State rep. by
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Cr.No.273/2013)

2.S.Padmakalavathi

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records pertaining to C.C.No.15 of 2020 dated 02.05.2019 on the file of the Judicial Magistrate Court, Valliyoor and quash the same.

For Petitioner : Mr.K.Rajeshwaran

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

For R2 : No appearance



Crl.O.P.(MD) No.20904 of 2021

WEB COPY

ORDER

Seeking to quash the final report in C.C.No.15 of 2020 on the file of the Judicial Magistrate Court, Valliyoor, the present Criminal Original Petition is filed.

2. The case of the prosecution in a nutshell is as follows:

(i) The petitioner (accused) informed the second respondent (*de facto* complainant) that he is in love with her and also promised to marry her. However, he did not keep up his promise and attempted to marry another woman.

(ii) Therefore, the *de facto* complainant lodged a complaint with the Sub-Inspector of Police, Koodankulam Police Station against the accused which came to be registered as F.I.R. in Crime No.273 of 2013 for the offences punishable under Sections 420 and 509 of IPC. The Inspector of Police after concluding investigation laid a final report before the Judicial Magistrate Court, Valliyoor against the accused for the aforesaid offences.



Crl.O.P.(MD) No.20904 of 2021

WEB COPY

3. Mr.K.Rajeshwaran, learned counsel for the petitioner (accused) would contend that the *de facto* complainant, subsequent to the lodging of the present complaint, had married another person and the present petitioner (accused) is yet to be married. His further contention is that the petitioner (accused) did not promise the *de facto* complainant that he would marry her, as alleged by the *de facto* complainant and in any event, the offences punishable under Section 420 and 509 of IPC would not be attracted to the present case.

4. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the first respondent police would contend that the Inspector of Police after conducting proper investigation laid the final report and therefore, there is no good ground to quash the final report. He therefore prayed for dismissal of the present Criminal Original Petition.

5. Though notice was served on the second respondent (*de facto* complainant) and her name was printed in the cause list, she did not appear before this Court either in person or through a counsel.



Crl.O.P.(MD) No.20904 of 2021

6. It is relevant to extract Section 420 of IPC:

“420. Cheating and dishonestly inducing delivery of property —

Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.”

7. In the instant case, there are no allegations against the present petitioner that he committed an offence punishable under Section 420 of IPC or that he intended to insult the modesty of the *de facto* complainant to attract Section 509 of IPC. In the decision in ***State of Haryana Vs. Ch.Bhajan Lal and others***, reported in ***1992 (1) SCC 335 : AIR 1992 SC 604***, the Hon’ble Supreme Court has held that even if the entire allegations are taken at their face value and accepted as true do not *prima facie* constitute any offence, the criminal proceedings should be quashed.



Crl.O.P.(MD) No.20904 of 2021

WEB COPY 8. In the circumstances, the final report in C.C.No.15 of 2020 on the file of the Judicial Magistrate Court, Valliyoor is quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

29.02.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

JEN

To:

- 1.The Judicial Magistrate,
Valliyoor, Tirunelveli District.
- 2.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.20904 of 2021

R.HEMALATHA, J.

JEN

Crl.O.P.(MD) No.20904 of 2021 and
Crl.M.P.(MD) No.12027 of 2021

29.02.2024