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Crl.O.P.No.1992 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.1992 of 2024

and

Crl.M.P.No.1444 of 2024

1.Saravanakumar

2.Anand @ Anandkumar

.... Petitioners

Vs

1.The State rep by
The Inspector of Police,
Kodumudi Police Station,
Erode District.
Crime No.401 of 2023.

2.Kiruthika

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to call for the records from the first respondent police in Crime No.401 of 2023 and to quash the same.

For Petitioners : Mr.R.Thirumoorthy

For R1 : Mr.R.Vinothraja
Government Advocate (Crl. Side)

For R2 : Mr.R.Nalliyappan
Senior Counsel



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ORDER

This Criminal Original Petition has been filed seeking to

quash the FIR registered in Crime No.401 of 2023 on the file of the first respondent, for the offences under Sections 294(b), 354, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. Based on the complaint lodged by the second respondent, the first respondent registered an FIR in Crime No.401 of 2023 for the offences under Sections 294(b), 354, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002. It is alleged that while the second respondent was studying 4th year B.E, the accused had been following her for the past 5 years. While being so, on 22.12.2023, while the second respondent was returning home from the temple along with her mother, the accused intercepted them and pulled her shawl. It was complained to the temple Dharmakartha and the accused were warned by him.



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4. The learned counsel appearing for the petitioners would

submit that there are totally four accused, in which the petitioners are arrayed as A2 and A4. A3 is hearing and speech impaired. The first accused fell in love with the second respondent. All the petitioners belong to a Scheduled Caste community and as such, the parents of the second respondent did not agree for their marriage. Pursuant to the same, on 24.12.2023, the first petitioner herein was brutally assaulted by the family members of the second respondent. He was immediately admitted in the hospital. After recording his statement, the first respondent registered an FIR in Crime 400 of 2023 for the offences under Section 147 & 323 of IPC and Section 3(1)(r), 3(1)(s) & 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989.

5. The learned Senior Counsel appearing for the second respondent submitted that the second respondent fell in love with the first accused and she was subjected to continuous love torture by all the accused persons. The petitioners, who are close friends of the first accused, threatened the second respondent with dire consequences, stating that if the second respondent refused to marry the first accused, they would pour acid on her.



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6. The learned Government Advocate (Crl.Side) appearing

for the first respondent submitted that, based on the complaint lodged by the first petitioner herein, the first respondent registered an FIR in Crime No.400 of 2023, completed the investigation and filed a final report. The same has been taken cognizance by the Trial Court in Spl.S.C.No.8 of 2024 before the Principal Sessions Court, Erode and it is pending trial.

7. The learned counsel appearing for the petitioners would submit that they have no objection to quash the entire proceedings in Crime No.400 of 2023 since they do not want to proceed with the trial. Further the complaint lodged by the second respondent is counter blast complaint to the earlier occurrence which was taken place on 24.12.2023.

8. A perusal of the FIR registered in Crime No.401 of 2023 reveals that the first occurrence took place on 22.12.2023 and the subsequent alleged threats were made on 24.12.2023. However, the complaint was lodged only on 27.12.2023, i.e., after registration of the FIR in Crime No.400 of 2023. In light of the facts and circumstances, the FIR registered in Crime No.401 of 2023 appears to be an afterthought and a counterblast to the earlier complaint. Therefore, the present FIR



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registered in Crime No.401 of 2023 cannot be sustained and is liable to

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9. In view of the above, the entire proceedings in Crime No.401 of 2023 and subsequent proceedings in Spl.S.C.No.8 of 2024, pending on the file of the Principal Sessions Court, Erode, are hereby quashed. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

09.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

1.The Inspector of Police,
Kodumudi Police Station,
Erode District.

2.The Public Prosecutor,
High Court, Madras.

Copy to :
The Principal Sessions Court,
Erode.



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G.K.ILANTHIRAIYAN, J.

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