



Crl.OP.No.19707 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM:

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

Crl.O.P.No.19707 of 2023

and

Crl.MP.Nos.13312 and 13311 of 2023

1. Kurmana Krishna
2. Damarasingu Srnivasa Rao ... Petitioners

Vs.

1. State represented by
The Inspector of Police,
B-1, Thiruvallur Town Police Station,
Thiruvallur.
2. G.K.Ajith Kumar ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records final report pertaining to C.C.No.436 of 2023 pending on the file of the Judicial Magistrate-I, Tiruvallur and quash the same by allowing the Criminal Original Petition.

For Petitioners : Mr.M.Mohamed Yasin

For Respondents : Ms.R.Vinothraja
Government Advocate (Crl.Side)
for R1

: No appearance for R2

ORDER



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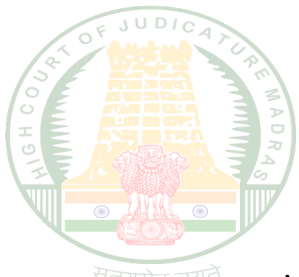
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This petition has been filed to quash the proceedings in C.C.No.436 of 2023 on the file of the learned Judicial Magistrate-I, Thiruvallur.

2. Though notice was served on the second respondent and his name also printed in the cause list, no one appeared before this Court neither in person nor through counsel.

3. The case of the prosecution is that the petitioners 1 and 2 have followed the defacto complainant, came to his shop which is situated at C.V.Naidu Salai, Thiruvallur and demanded Rs.10,00,000/- compensation and attempted to extort money with knife. Hence, the complaint.

4. On the complaint lodged by the second respondent, the first respondent registered an FIR in Cr.No.397 of 2023 for the offence punishable under Sections 384, 506(2) of IPC, 1860. After completion of investigation, the first respondent has filed a final report before the learned Judicial Magistrate-I, Tiruvallur and the same has been taken



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cognizance in C.C.No.436 of 2023.

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5. The learned counsel appearing for the petitioners submits that the first petitioner married one Kanaga Priya on 22.12.2018 and the marriage was registered at S.R.O. Dwarakanagar in H.M.No.716/2019 (Visakhapatnam-State of Andhra Pradesh). Thereafter, due to misunderstanding between them, they got separated. Following which, the said Kanaga Priya has filed a Divorce Petition before the V Additional Family Court, Vishakapatnam, Andhra Pradesh in F.C.O.P.No.1948 of 2019 and it is pending for adjudication.

6. He further submits that when the marriage between the first petitioner and the said Kanaka Priya is very much in existence, once again, she got married the second respondent herein. In order to escape from the clutches of law for conducting second marriage with the second respondent from the charge of bigamy, the second respondent had lodged a complaint with the false allegations that as if the petitioners had attempted to extort money from the second respondent at knife point and also threatened him with dire consequence. The first petitioner and the



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second respondent have no acquaintance before the registration of complaint. The entire complaint has been manifestly attempted with malafide intention and with ulterior motive for wrecking vengeance. Hence, he prays to quash the proceedings in C.C.No.436 of 2023 on the file of the learned Judicial Magistrate-I, Thiruvallur.

7. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

8. A perusal of records revealed that the FIR was registered on 26.02.2023 at about 16.00 hours. Immediately, the first respondent had completed the investigation and filed a final report on 21.06.2023 itself. Thereafter, it has been taken cognizance on 01.07.2023 in C.C.No.436 of 2023 for the offence punishable under Sections 384, 506(2) of IPC. Infact, both the petitioners are hailing from Andhra Pradesh and they do not know Tamil. Therefore, the entire complaint is nothing but clear abuse of process of law and it cannot be sustained and liable to be quashed as against the petitioners.



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9. Accordingly, the proceedings in C.C.No.436 of 2023 on the file of the learned Judicial Magistrate-I, Thrivallur is hereby quashed as against the petitioners and the Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petitions are also closed.

19.03.2025

Vv

To

1. The Judicial Magistrate-I, Thrivallur
2. The Inspector of Police,
B-1, Thiruvallur Town Police Station,
Thiruvallur.
3. The Public Prosecutor,
Madras High Court,
Chennai.

G.K.ILANTHIRAIYAN, J.

Vv



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