

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.22768 of 2025

1. K.Arun Kumar @ John
2. K.Prem Kumar @ Robert
3. Premkumari @ Mercy

... Petitioners

Vs.

1. The Inspector of Police
W-29 All Women Police Station
Avadi, Chennai – 600 054

2. (Redacted)

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records pertaining to the proceedings in S.C.No.260 of 2025 on the file of the Sessions Judge, Mahalir Neethimandaram (Fast Track Mahila Court), Tiruvallur and quash the same.

For Petitioners	: Mr.R.Thangamani
For 1 st Respondent	: Mr.K.M.D.Muhilan
	Additional Public Prosecutor
For 2 nd Respondent	: No Appearance

ORDER

This Criminal Original Petition has been filed to quash the final report in S.C.No.260 of 2025 on the file of the Sessions Judge, Mahalir Neethimandaram (Fast Track Mahila Court), Tiruvallur.

2. The crux of the allegation in the final report is that the defacto complaint/2nd respondent and A1/1st petitioner became friends and developed relationship. When the relationship fell apart and marriage was not encouraged, a dispute arose. Further, according to the defacto complainant, A1 received upto Rs.2 lakhs from the defacto complainant and the same was not returned. Besides, taking advantage of the intimate photographs, A1 used to have sexual intercourse repeatedly with the defacto complainant. When the accused A2 and A3/2nd and 3rd petitioners who are the brother and sister of A1 were informed about the act of A1, they also abused and threatened the defacto complainant and her parents. Therefore, A1/1st petitioner has been charged for the offences under Sections 294(b), 450, 376(1), 376(2)(n), 406, 420, 506(ii) IPC and 4 of TNPHW Act & Section 66(E) of IT Act, 2008 and that A2 and A3/2nd and 3rd petitioners have been charged for the offences under Sections 294(b), 506(ii) read with 34 IPC and 4 of TNPHW Act.

3. A perusal of the entire final report shows that it is a dispute between A1 and the defacto complainant. Whether the offence under Section 376 IPC would attract against A1 or not is a matter of evidence. Whether the consent on the relationship will fall within the ambit of misconception is also a matter of evidence. Therefore, this Court is not inclined to entertain this petition insofar as the first petitioner/A1 is concerned.

4. As far as the 2nd and 3rd petitioners/A2 and A3 are concerned, they are brother and sister of A1/1st petitioner. The allegation against them as per the entire statement of witnesses is that when the defacto complainant and her parents informed the petitioners 1 and 2 about the act of A1, they abused them with filthy language. Except the same, there is no material worth consideration found against them. Even if the said statement is taken as proof, they same will not constitute the offences as there is no other material found for threatening to endanger a life of a person or for harassing the defacto complainant. Therefore, the charges against the petitioners 1 and 2/A2 and A3 will not be maintainable. Hence, this Court is of the view that the petitioners 2 and 3 have been unnecessarily roped into this case and continuing the prosecution against them is nothing but a clear abuse of process of law.

5. Accordingly, the final report filed against the petitioners 2 and 3/A2 and A3 is quashed.

6. The trial Court shall continue the trial as against A1 and dispose of the case expeditiously taking note of the nature of the allegation against A1 and as to whether such consent on the relationship falls within the ambit of misconception.

7. With the above directions, this Criminal Original Petition is partly allowed.

15.09.2025

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1. The Sessions Judge,
Mahalir Neethimandaram (Fast Track Mahila Court),
Tiruvallur
2. The Inspector of Police
W-29 All Women Police Station
Avadi, Chennai – 600 054
3. The Public Prosecutor
High Court of Madras, Chennai

CrI.O.P.No.22768 of 2025

N. SATHISH KUMAR, J.

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