



CrI.O.P.(MD).No.15624 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17.11.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CrI.O.P.(MD)No.15624 of 2020

and

CrI.M.P.(MD) No.7649 of 2020

1. Rajipur Rahman
2. Megarnisha
3. Bhummita Nilobar @ Fahmitha Nilofar
4. Riyana Nilofar
5. Sultan Alavudeen

.. Petitioners/A1 to A3, A5
& A6

Vs.

1. The State rep by,
The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai District.
(Crime No.43 of 2019)

.. 1st Respondent/
Complainant

2. S.Riswana Begum

.. 2nd Respondent/De-facto
Complainant



Crl.O.P.(MD).No.15624 of 2020

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PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records relating to the impugned FIR in Crime No.43 of 2019 dated 12.10.2019 on the file of the 1st respondent herein, and quash the same in so far as the petitioner is concerned.

For Petitioners : Mr.Aayiram K.Selvakumar

For Respondents : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)
for R1

: Mrs.S.Riswana Begum

ORDER

The petitioners filed this petition to quash the FIR in Crime No.43 of 2019 dated 12.10.2019 on the file of the first respondent herein.

2. The reading of the FIR shows that the marriage between the first petitioner and the second respondent was solemnized on 14.04.2013. She gave the complaint before the first respondent police alleging that the accused demanded additional dowry and made cruelty on her and her child. Hence, the said complaint was registered in Crime No.43 of 2019



Crl.O.P.(MD).No.15624 of 2020

for the offence under Sections 498A, 406 and 506(i) IPC. Thereafter, they got mutual divorce in O.S.No.60 of 2018 before the Family Court, Madurai. Even after the legal divorce effected between the parties the FIR is still pending. Hence, the petitioners filed this petition to quash the said FIR.

3. Pending the quash petition, this Court directed the defacto complainant/2nd respondent to appear before this Court. The defacto complainant along with her father appeared before this Court and made a submission that she has no objection to quash the proceedings in Crime No.43 of 2019 provided that the first petitioner and his family members shall not interfere their life and also ensure their safety. She has also produced a written consent letter in this regard before this Court and the same is extracted as follows:

“1. மேற்படி வழக்கில் நான் 2வது எதிர்மனுதாராக உள்ளேன். நான் கொடுத்த புகாரின் பேரில் 1வது எதிர்மனுதாரர் பதிவு செய்த FIR 43/2019ஐ ரத்து செய்யக்கோரி தாக்கல் செய்துள்ள வழக்காகும்.

2. எனக்கும் மேற்படி 1வது மனுதாரருக்கு ஏற்பட்ட திருமணம் மதுரை குடும்பநல



Crl.O.P.(MD).No.15624 of 2020

நீதிமன்றத்தில் வழக்கு O.S.No.18/2018ல் 04.02.2020

அன்று ரத்து செய்யப்பட்டு தீர்ப்பு வழங்கப்பட்டு,
இருவரும் தனித்தனி வாழ்க்கை வாழ்ந்து
வருகிறோம். மேலும் எனக்குரிய நகை மற்றும்
ரொக்கம் யாவும் பெற்றுக்கொண்டு விட்டதால்
மேற்கொண்டு மேற்படி வழக்கு எண்.43/2019
தொடர்ந்து நடத்த எனக்கு விருப்பம் இல்லை,

ஏனவே மேற்படி வழக்கினை ரத்து செய்ய
கோரியுள்ள குற்ற எண்.43/2019 ஐ ரத்து செய்வதற்கு
எனக்கு எவ்வித ஆட்சேபணையும் இல்லை.

தங்கள் உண்மையுள்ள,

15.11.2022.

S.Riswana Begum”

4. This Court has considered the submissions made by both side and perused the documents produced before this Court.

5. In view of the development between the parties and in order to maintain peace, this Court is inclined to peruse the contents of the FIR. In the contents of the FIR, it is stated that the accused said to have caused cruelty to the defacto complainant without mentioning any specific date. In the absence of any specific date and also they got divorce, this Court finds no offence under Sections 498A, 406 and 506(i) IPC is made out.



Crl.O.P.(MD).No.15624 of 2020

In the said circumstances, this Court is inclined to quash this petition.

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6. Further, consensus had already been arrived at between the parties, no purpose will be served in keeping the First Information Report in Crime No.43 of 2019 pending on the file of the first respondent police. Hence, this Court is inclined to quash the First Information Report.

7. In the result, this Criminal Original Petition is allowed and the First Information Report in Crime No.43 of 2019 on the file of the first respondent stands quashed. Consequently, connected miscellaneous petition is closed. However, this Court directs the petitioner to maintain peace and shall not cause any disturbance to the second respondent and her child. It is always open to the second respondent to file a complaint if the petitioners would cause any hindrance to her peaceful life in future.

17.11.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No

PJL

5/7



Crl.O.P.(MD).No.15624 of 2020

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To

1. The Inspector of Police,
All Women Police Station,
Thallakulam, Madurai District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD).No.15624 of 2020

K.K.RAMAKRISHNAN, J.

PJL

**Crl.O.P(MD)No.15624 of 2020
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17.11.2023