

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.16705 of 2015

and

M.P.No.1 of 2015

Siraji Nisha

..Petitioner/3rd Accused

Vs

1.The State of Tamil Nadu, Rep by
The Inspector of Police,
All Women Police Station,
Perambalur,
Perambalur District.

..1st Respondent/Complainant

2.Jannath

..2nd Respondent/defacto
Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records connected with the FIR in Crime No.4 of 2015 pending investigation on the file of the 1st respondent police and quash the same.

For Petitioner :Mr.A.Ilaya Perumal

For R1 :Mr.C.Emalias,
Additional Public Prosecutor

ORDER

Criminal Original Petition has been filed to call for the entire records connected with the FIR in Crime No.4 of 2015 pending investigation on the file of the 1st respondent police and quash the same.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3.It is seen that on a complaint lodged by Jannath, the respondent Police registered a case in Crime No.4 of 2015 on 08.03.2015 for the offences under Sections 498A, 323, 294(b) and 506(i) of IPC against three persons namely (i)Mohammad Yasin, (ii) Noorjahan, (iii) Siraji Nisha(the petitioner herein).

4.The allegations of the defacto complainant is that she got married to one Mohammad Yasin on 13.08.2003 and she has one child through wed lock. She has further alleged that her mother-in-law (Noorjahan) and her sister-in-law (Siraji Nisha) had inflicted cruelty on her.

5.The learned counsel for the petitioner submitted that the petitioner was married, living separately and that the defacto complainant has made very vague allegations against her. The learned counsel has also relied upon the judgment of Supreme Court in Lalithakumari-Vs-Govt. of U.P. & Others(2013)(4) Crimes 243(SC) and in Arnesh Kumar-Vs-State of Bihar and another 2014 STPL (Web) 434 SC to drive home the point that preliminary enquiry must be conducted before registering the matrimonial offence. This Court has not quarrel with the proposition laid down in the said two judgments.

6.Now, it is seen that the petitioner herein has been released on Anticipatory Bail. The defacto complainant has made only a vague allegation against this petitioner that she and her mother had demanded dowry.

7.Under such circumstances, the respondent Police is directed to thoroughly conduct enquiry and in the course of the enquiry, if it is found that the allegations against Siraji Nisha are false, then she should have to be deleted from a final report.

8.This Criminal Original Petition is closed with the above direction. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dn

To

1. The Inspector of Police,
All Women Police Station,
Perambalur,
Perambalur District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A. Ilaya Peruma, Advocate, S.R.No.33892

SCD(CO)
EU(21/07/2015)

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