

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.25870 of 2015

and

M.P.No.1 of 2015

1. R.Gokulnath
2. Ramachandran
3. Selvi Petitioners

Vs

1. The State
Rep. By Inspector of Police,
All Women Police Station,
Krishnagiri, Krishnagiri District.
2. Anbu Preethi Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the entire records pursuant to the FIR No.18 of 2015 on the file of the respondent Police and quash the same by allowing this Criminal Original Petition.

For Petitioners : Mr.N.Chinnaraj
For Respondent : Mr.C.Emalias,
No.1 Additional Public Prosecutor

O R D E R

This criminal original petition has been filed to call for the entire records pursuant to the FIR No.18 of 2015 on the file of the respondent Police and quash the same by allowing this Criminal Original Petition.

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

3. It is seen that on a complaint lodged by the second respondent, the first respondent police have registered a case in Crime No.18 of 2015 under Sections 326, 420 & 120(b) IPC against the petitioners herein.

4. It is the case of the defacto-complainant that the accused represented to her family that the first accused studied

upto M.B.A and they belong to a particular community. The defacto complainant got married to the first accused on 20.08.2012 and thereafter, the defacto complainant came to know that the first accused has not studied M.B.A and he does not belong to a particular community. It is further alleged in the complaint that the first accused had beaten the defacto complainant to such an extent that, she had lost her hearing power and the doctor has stated that she has lost 80% of the hearing capacity.

5. The learned counsel appearing for the petitioners submitted that the incident took place in the year, 2012, but the complaint has been lodged only now. The defacto complainant has stated in the complaint that she is continuously taking treatment and she has been cheated by the petitioners.

6. It is further seen that there are sufficient materials in the FIR. The petitioners shall not be arrested because they have already been released on Anticipatory bail in CrI.O.P.No.5083 of 2015 in Cr.No. Not known on the file of the same respondent police, by order dated 02.03.2015, though the offences stated therein are under Sections 498(A) and Section 4 of the Tamil Nadu Prohibition of Women Harrassment Act. since the cause of action is the same. The anticipatory bail granted in CrI.O.P.No.5083 of 2015 dated 02.03.2015 will enure benefit of the petitioners in Crime No.18 of 2015.

With the above observations, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

sms

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

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

2. The Public Prosecutor,
High Court, Madras.

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