

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2015

CORAM

The Hon'ble Mr. Justice R.S.Ramanathan

Cr1.O.P.No.1538 of 2013  
and M.P.Nos.1 and 2 of 2013

1.G.S.Senthil Kumar  
2.S.Thara

...Petitioners/ Accused 1 & 2

vs.

The State Rep. By

1.The Inspector of Police,  
W-17, All Women Police Station,  
Peravallur, Periyar Nagar,  
Chennai-600 082.  
(Crime No.37 of 2012)

2.S.Jayachitra

...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to the issue of the charge sheet in C.C.No.6120 of 2012 on the file of V Metropolitan Magistrate, Egmore, Chennai-8, by the respondent Inspector of Police, W-17, All Women Police Station, Peravallur and quash the same as not maintainable.

For Petitioners : Mr.Rupert J.Barnabas  
for M/s.D.Ashok Kumar

For Respondents : Mr.M.Maharaja  
Additional Public Prosecutor for R1

O R D E R

The petitioners are accused in C.C.No.6120 of 2012 of the file of the V Metropolitan Magistrate, Egmore, Chennai. The second respondent gave a complaint before the first respondent police and a case was registered in Crime No.37/2012 against the petitioners for offences under Sections 498(A) and 324 IPC and after investigation, charge sheet was filed against the petitioners for offences under Sections 498(A), 324 and 342 IPC. This petition is filed to quash the charge sheet in C.C.No.6120/2012.

2. The learned counsel for the petitioners submitted that in the complaint given by the second respondent, she has given one version and in the statement given during investigation, she has given another version and the Investigating Officer, who filed the charge sheet, has given different version in the final report which was not spoken to by the witnesses and therefore, it is a clear case of abuse of process of Court and the first respondent, without properly investigating the case and without appreciating the statement of witnesses, filed charge sheet against the petitioners for offences under Sections 498(A), 324 and 342 IPC. The learned counsel for the petitioners further submitted that even though the petitioners are charge sheeted for offence under Section 324 IPC, there is no medical evidence to substantiate the same. He also submitted that it is the case of the complainant, namely the second respondent that she was given burn injuries and she called the police and thereafter she was taken to the hospital and admittedly, according to him, no injury was found on the second respondent and that would falsify the case of the second respondent that she was ill-treated and she was given burn injuries with a lit. He therefore submitted that having regard to the discrepancy in the F.I.R., Statement of Witnesses and the new case projected in the Final Report, this is a clear case of abuse of process of Court and no offence has been made out against the petitioners and therefore, the proceedings is liable to be quashed.

3. I am unable to accept the contention of the learned counsel for the petitioners. It is settled law that F.I.R. is not an encyclopedia and the complainant is not expected to state all the facts in the F.I.R. A reading of the F.I.R. would make it clear that specific allegations are made regarding the cruelty and ill-treatment given by the accused and also the injuries caused to the defacto complainant. It is stated by the learned counsel for the petitioners that in the charge sheet it has been stated that the second petitioner ill-treated the second respondent by saying "நீ கெட்ட கேடுக்கு I.T. மாப்பிள்ளை கேக்குதா" but no such words were uttered by the second respondent in the statement given during investigation. He also submitted that in the charge sheet it is stated that the petitioners ill-treated the second respondent by asking her to take scan when she became pregnant and after seeing the scan report that a female child was conceived, the second respondent was driven to her parents house and that fact was not spoken by the second respondent during investigation and there is no material available regarding the ill-treatment given by the second respondent by confining her in the house and also giving burn injuries by a lit.

4. It is seen from the statement of the second respondent during investigation that she uttered the very same words, which

was mentioned in the charge sheet viz. "நீ கெட்ட கேடுக்கு I.T. மாப்பிள்ளை கேக்குதா". She also stated that when she was taken to London she became pregnant and therefore, she and her husband came to Chennai and on conveying the news that she was pregnant, the second petitioner asked her to go to the hospital and find out whether it is a boy or girl and if it is girl, the second respondent may go to her parents house and that was also approved by the first petitioner. Therefore, in the final report, the Inspector of Police only reiterated the statement of witnesses given during investigation and he has not introduced any new case in the final report.

5. As regards the submission of the learned counsel for the petitioners that there was no injury to the second respondent, having regard to the statement of Doctor, wherein it is stated that the second respondent came with her mother to the hospital and she was given treatment for simple injuries and that was registered in Record No.4546438, namely Accident Register copy, the same cannot be accepted.

6. Having regard to the allegations made in the statement of witnesses, prima facie case is made out for offences under Sections 498(A), 324 and 342 IPC. I do not find any merit in this petition. Hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are dismissed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

jvm

To

1.The Inspector of Police,  
W-17, All Women Police Station,  
Peravallur, Periyar Nagar,  
Chennai-600 082.

2.The Public Prosecutor,  
High Court, Madras.

CrI.O.P.No.1538 of 2013

CTK (CO)  
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