



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2015

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

Crl.O.P. (MD) No.8605 of 2015

and

M.P. (MD) No.1 of 2015

1. M.Javid Nazmudeen
2. M.Meera Mytheen
3. M.Vashela
4. M.Hafifullah
5. M.Dheen Mohamed
6. K.Kamaldheen

... Petitioners/Accused 1 to 6

Vs.

1. The State represented by
the Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai District.

(Crime No.8 of 2015). ..Respondent/Complainant

2. M.Raheema Barveen ... Respondent/Defacto Complainant

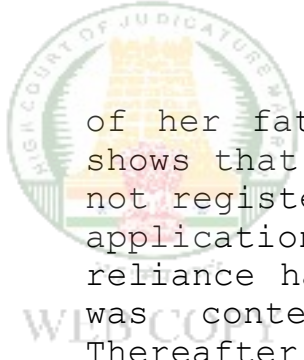
Prayer:- Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the First Information Report in Crime No.8 of 2015 pending on the file of the first respondent.

For Petitioners	: Mr.C.M.Arumugam
For R1	: Mrs.S.Prabha
	Government Advocate (Crl.side)
For R2	: Mr.S.M.A.Jinnah

O R D E R

This Criminal Original Petition is filed to quash the First Information Report in Crime No.8 of 2015 on the file of the first respondent.

2. The petitioners are the husband and in-laws of the second respondent. It is seen from the records that within few minutes from the date of the marriage, trouble arose between the parties making number of allegations and the second respondent complainant. Thereafter, the petitioners filed an anticipatory bail application. Prior to that, the jewels and other belongings of the second respondent were returned in the presence



of her father, who has signed the same. The said document also shows that steps would be taken to withdraw the complaint which is not registered by that time. On the next day, an anticipatory bail application was filed in CrI.O.P.(MD).No.1435 of 2015. The reliance has been made upon the document signed on 11.02.2015. It was contested by the counsel for the second respondent. Thereafter, the second respondent has filed an application under Section 156(3) Cr.P.C., before the jurisdictional Magistrate. A case was registered and investigation is pending and in that stage, the present petition has been filed. In the mean while, the second respondent has filed a petition before this Court seeking to expedite the investigation. Accordingly, a direction was issued to complete the investigation within a period of three months from the date of receipt of copy of the order.

3. The learned counsel for the petitioners submitted that in the teeth of the compromise signed by the parties stands, the Crime No.8 of 2015 is liable to be quashed. The said fact has not been placed while approaching the Magistrate. The learned counsel for the petitioners also submitted that a divorce petition has already been filed. However, submission has been made that after receipt of the belongings, it is not open to the second respondent to contend contra.

4. The learned counsel for the second respondent submitted that the receipt and the subsequent endorsement has not been made by the second respondent, but by her father and it was done under coerce and threat. The very fact that the belongings of the second respondent have not been handed over itself would prima facie substantiate the case. Several allegations have been made in the complaint. One of the petitioners has also made illegal advances which has also been recorded. Therefore, no interference is required, since the investigation is in the initial stage.

5. The question as to whether the signed statement made by the second respondent's father would ban her or not is a matter for investigation as well as the circumstances under which it was done, suffice it would be to state that the case has been registered in pursuant to the direction issued under Section 156 (3) of Cr.P.C. A perusal of the complaint would show that number of allegations made a mere pendency of the divorce petition, though subsequent, cannot be a bar/ground to quash the complaint given earlier, though registered subsequently. The contentions raised by both sides are matter for investigation. This Court has already given a direction to complete the investigation. Therefore, it is only proper on the part of the petitioners on the one hand, the respondent on the other hand to co-operate with the investigation. Accordingly, this Criminal Original Petition is dismissed. However, it is made clear that this Court does not give



6. The circumstances under which the father of the second respondent has signed in the document is also a matter for investigation. The Investigating Officer is also required to go into the documents relied upon by the petitioners including one said to have been written and signed by the second respondent as shown in the page No.1 of the typed set of papers. Consequently, the connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar (C.O)

/True Copy/

Sub-Assistant Registrar

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.

+One cc to M/s.C.M.Arumugam, Advocate, SR.No.27891

+One cc to M/s.S.M.A.Jinnah, Advocate, SR.No.27749

akv

RL/5 c- 15/6/2015

Cr1.O.P.(MD)No.8605 of 2015

04.06.2015