

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.12329 of 2016
and CrlMP No.6341 of 2016

S.Balasubramanian

...

Petitioner

Vs

1.The Inspector of Police,
Perur Women Police Station,
Coimbatore.

2.Bala Srividya

...

Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in respect of the case registered in Crime No.12 of 2015 on the file of the respondent police under Section 498-A and to quash the same.

For Petitioner :Ms.Daisy

For Respondents :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition has been filed to quash the proceedings in Crime No.12 of 2015 on the file of the respondent police for the offences under Section 498-A IPC.

2.Learned counsel for the petitioner submitted that on the complaint lodged by the 2nd respondent, the 1st respondent police has registered a case in Crime No.12 of 2015 on 27.04.2015 for the offences under Section 498-A IPC. He submitted that the petitioner got married to the 2nd respondent some 15 years back and they have two children through the wedlock. She further submitted that the dispute is between the petitioner and the 2nd respondent with regard to the properties and there is no material on record for registering the FIR under Section 498-A IPC.

3.On reading of the FIR, the 2nd respondent/wife has clearly stated that on 15.01.2015, the petitioner/husband has brutally assaulted her and on account of which, she sustained grievous injuries. On seeing the same, the children telephoned to their

maternal grandparent and they in turn informed the same to the police control room. The police came to the occurrence place and the 2nd respondent was admitted in the hospital.

4. In the teeth of such averments in the FIR, this is not a fit case to interfere for quashing the FIR against the petitioner, in the light of the law laid down by the Hon'ble Supreme Court in State of Haryana v. Bhajan Lal reported in 1992 Supp (1) SCC 335. It is also seen that the petitioner is not paying any maintenance to the children. However, it is open to the petitioner to approach the Legal Services Authority, Coimbatore, to arrive at an amicable settlement between the family members.

With the above direction, this Criminal Original Petition is dismissed.

mps

S/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Perur Women Police Station,
Coimbatore.

2. The Public Prosecutor,
High Court, Chennai.

+ 1 cc to M/s.G.Bala & Daisy, Advocate SR 32676

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