

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 02..11.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.18632 of 2011
and M.P.No.1 of 2011

Srinivasa Rao

... Petitioner

-Versus-

The Inspector of Police [Crime],
K-4, Anna Nagar Police Station,
Anna Nagar East,
Chennai 600 102.
[Crime No.55 of 2011]

... Respondent

Prayer: This petition is filed under Section 482 Cr.P.C. praying to call for the records relating to the case in Crime No.55 of 2011 pending on the file of the respondent police and to quash the above said case.

For Petitioner : Mr.Samuel Raja Pandian
For Respondent : Mr.C.Emalias, APP

ORDER

This original petition has been filed seeking to quash the case in Crime No.55 of 2011 pending on the file of the respondent police.

2. On the complaint lodged by S.Ramadevi, the respondent police have registered a case in Crime No.55 of 2011 on 14.01.2011 for offences under Sections 406 and 420 of IPC against the petitioner and the investigation is pending for many years.

3. It is the case of the de facto complainant that she was married to the petitioner 23 years back in Andhra Pradesh and after marriage they were living in Chennai at Ayanavaram for several years. Even according to the de facto complainant, 3 years prior to the registration of FIR, she got estranged from her husband on account of differences and since then she has been living on her own. It is alleged by the de facto complainant that when she was in the matrimonial home with her husband, she had invested some amounts in shares and that her husband had cheated her by transferring the shares without her knowledge. Even according to the first information, the alleged incident had taken place in the year 1998 and the

first information has been lodged only on 14.01.2011. It is also seen from the records that the shares have been transferred only in the name of daughters of the de facto complainant namely (1) Bagyalakshmi, aged about 27 years and (2) Vennila, aged 23 years, who are living with the petitioner.

4. In the considered opinion of this court, in this case a purely matrimonial dispute has been given a criminal colour of cheating and that the FIR is a clear abuse of process of law and allowing the investigation to go further would not serve any useful purpose as it would be wastage of time. Therefore, applying the law laid down by the Hon'ble Supreme Court in State of Haryana v. Bhajanlal AIR 1992 SC 604, the FIR is liable to be quashed.

5. In the result, this criminal original petition is allowed and the case in Crime No.55 of 2011 pending on the file of the respondent police is hereby quashed. Consequently, connected MP is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Inspector of Police [Crime],
K-4, Anna Nagar Police Station,
Anna Nagar East, Chennai 600 102.

2.The Public Prosecutor, High Court, Madras.

+1cc to Mr.S. Samuel Raja Pandian, Advocate, S.R.No.62559

EV(CO)
EU(30/11/2016)

Cr1.O.P.No.18632 of 2011