

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 19.08.2016

PRONOUNCED ON: 26.08.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.4191 of 2013 and M.P. No.1 of 2013

Siva @ Sivagnanam

Petitioner

vs.

1 The Inspector of Police
W-32, All Women Police Station
Madipakkam
Chennai

2 N. Ambika

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the records relating to the impugned FIR No.3 of 2012/U/s 419, 420, 498-A, 494, 506(II) IPC dated 01.03.2012 on the file of the first respondent and quash the same.

For petitioner Mr. Siva - Party-in-person

For R1 Mr. C. Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking to call for the records relating to the impugned FIR No.3 of 2012 dated 01.03.2012 registered under Sections 419, 420, 498-A, 494 and 506(I) IPC on the file of the first respondent and quash the same.

2 For the sake of convenience, the parties will be referred to by their name.

3 On the complaint lodged by Ambika, the first respondent police registered a case in Crime No.3 of 2012 on 01.03.2012 for offences under Sections 419, 420, 498-A, 494 and 506(I) IPC

against Siva and four others, challenging which, Siva is before this Court.

4 It is alleged by Ambika that she got married to Siva on 13.11.2005 and only after marriage, she came to know that Siva had already been married to one Sumangali Geetha on 07.09.2000 and suppressing that marriage, he married Ambika on 13.11.2005. She has further alleged that the other accused named in the FIR were aware of these facts and had actively abetted Siva. She has further alleged that Siva's true name is Sivagnanam and in the name of Sivagnanam, he has got married to Sumangali geetha and suppressing that he styled himself as Siva and got married to Ambika.

5 Heard Siva, party-in-person and Mr. C. Emalias, Additional Public Prosecutor appearing for the first respondent-police.

6 Siva submitted that Ambika came as cook to his house and that he got married to her only on 26.04.2006. In support of this, he filed a copy of the invitation card.

7 The Supreme Court, in State of Haryana vs. Bhajan Lal, [1992 Supp. (1) SCC 335] has laid down the parameters for quashing the FIR. In this case, on a reading of the FIR, it is evident that there are several allegations against Siva for the investigation to proceed. Whether Ambika got married to Siva on 13.11.2005 or on 26.04.2006, is a disputed question of fact, which cannot be decided in a quash petition.

Since the facts of this case do not pass muster the law laid down by the Supreme Court in Bhajan Lal's case (supra), this Court is of the considered view that this Criminal Original Petition is bereft of merits and is accordingly dismissed. The first respondent police are directed to complete the investigation and either file a final report or closure report, as the case may be, within a period of six months from the date of receipt of a copy of this order. Connected M.P. is closed.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

cad

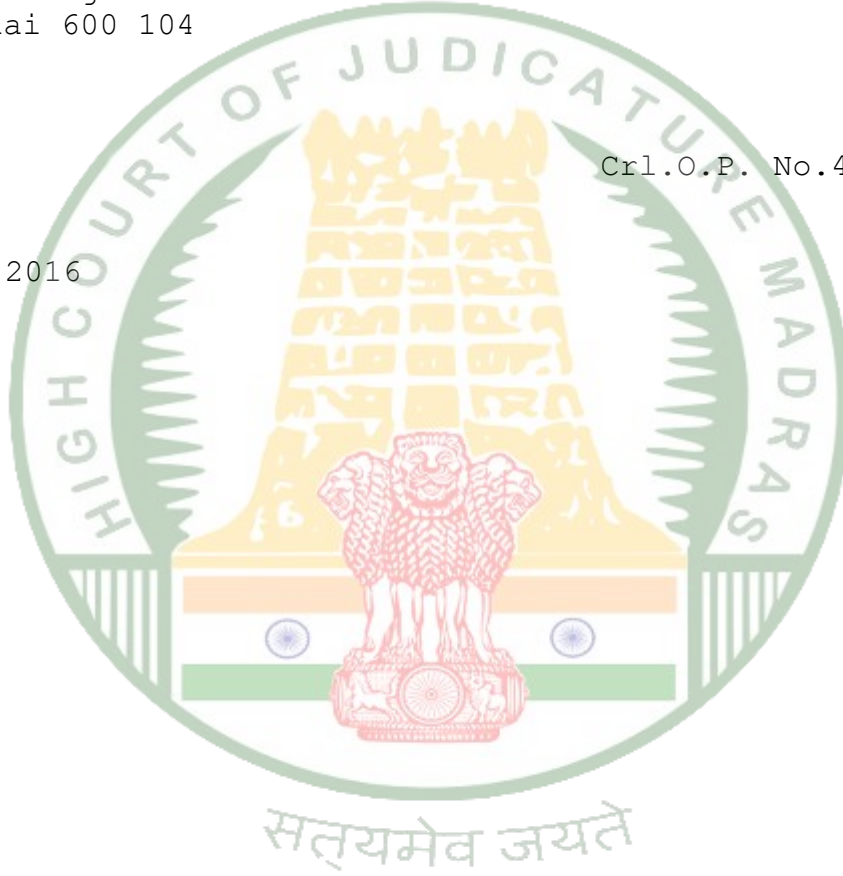
To

1 The Inspector of Police
W-32, All Women Police Station
Madipakkam
Chennai

2 The Public Prosecutor
Madras High Court
Chennai 600 104

Crl.O.P. No.4191 of 2013

ad co
kra 08.09.2016



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