

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.17054 of 2016

1.E.Parthiban
2.L.Ethiraj
3.C.Banumanthi
4.L.Mahendran
5.E.Chitra

.. Petitioners

Vs

1.The State rep by
Inspector of Police
Taluk Police Station
Thirupathur, Vellore District.

2. V.Nithya

.. Respondents

[R2 Suo motu impleaded by order of
this Court dt.04.08.2016]

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records pertaining to the FIR No.456 of 2016 on
the file of the respondent police and quash the same.

For Petitioners	: Mr.J.Nagarajan
For R1	: Mr.C.Emalias, Addl.Public Prosecutor
For R2	: Mr.A.Raghunathan, Senior Counsel for Mr.S.Anburaja

O R D E R

This petition has been filed to call for the records
pertaining to FIR No.456 of 2016 on the file of the respondent
police and quash the same.

2. This Court suo motu impleads the de facto complainant-
Nithya, W/o Parthiban as second respondent.

3. When this petition was taken up for hearing,
Mr.S.Anburaja, learned counsel took notice for Nithya.

4. Heard Mr.J.Nagarajan, learned counsel for the petitioners, Mr.C.Emalias, learned Additional Public Prosecutor for the State and Mr.A.Raghunathan learned Senior Counsel for Mr.S.Anburaja, learned counsel on record for the de facto complainant.

5. On the complaint lodged by Nithya, the respondent police have registered a case in Cr.No.456 of 2016 on 07.07.2016 for offences under Section 498-A and 309 IPC, challenging which the petitioners/accused are before this Court.

6. Mr.J.Nagarajan, learned counsel for the petitioners submitted that the complaint given by Nithya does not make out a case for registration of an FIR, inasmuch as the complaint does not disclose the ingredients of the offence.

7. Mr.A.Raghunathan, learned Senior Counsel for the second respondent strongly refuted the contention of Mr.J.Nagarajan and stated that there are sufficient ingredients in the complaint for the police to conduct investigation. On a reading of the complaint it is seen that Nithya got married to Parthiban a year before and she has alleged that Parthiban left her in her mother's house and went to Chennai for employment. Her main allegation is that Parthiban does not talk to her and is a very silent person. She has further stated that on 20.08.2015, she consumed poison and wanted to commit suicide, but she was admitted to the hospital, where doctors saved her life. Strangely, the police have registered a case for offence u/s 498-A and 309 IPC against the petitioners herein. In fact, the provisions of Section 309 IPC cannot be applied to the petitioners/accused here.

8. In the considered opinion of this Court, the FIR in this case is an abuse of process of law and accordingly, the same is quashed. Learned counsel for the accused submitted that his clients will not take any action against Nithya for having given this complaint.

In the result, this petition is allowed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

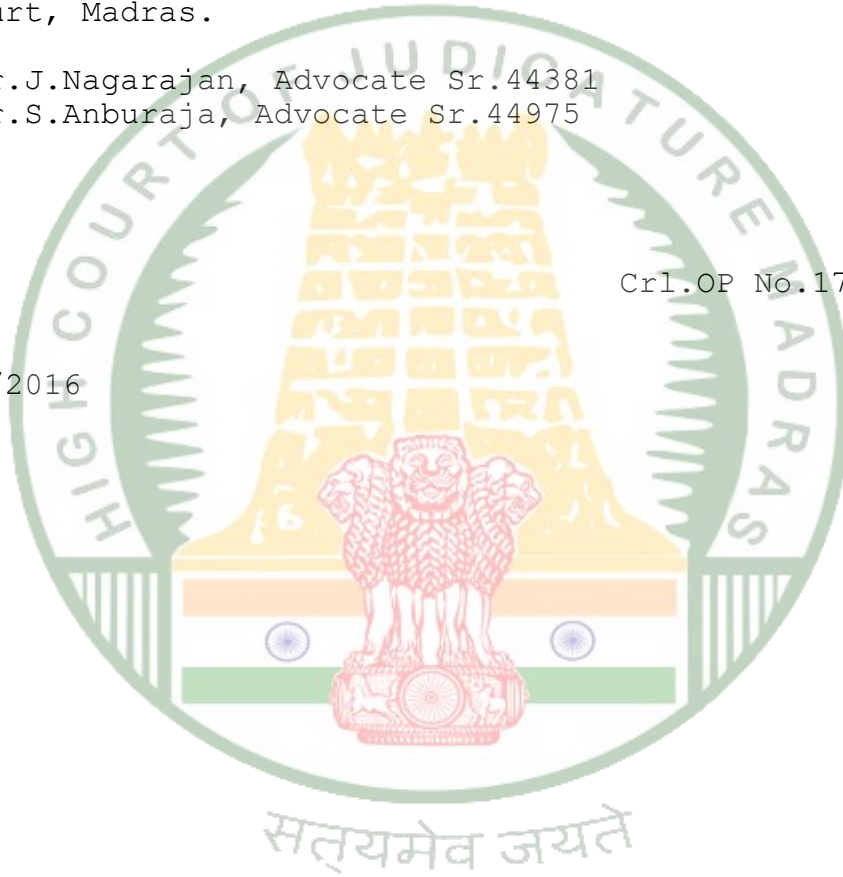
1. Inspector of Police
Taluk Police Station
Thirupathur, Vellore District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Nagarajan, Advocate Sr.44381
+1cc to Mr.S.Anburaja, Advocate Sr.44975

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