

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.19813 of 2016

and Crl.MP.No.9254 of 2016

1.S.Anandbabu
2.Vijayakumari
3.Saravanan
4.Revathi
5.Magesh

..Petitioners

Vs

1.State by
Inspector of Police,
All Women Police Station
Tiruvallur - 602001

2.V.Rajalakshmi

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the FIR No.10/2015 at 08.10.2015 pending on the file of the 1st respondent quash the said proceedings against the petitioners/accused 1 to 5.

For Petitioners : Mr.N.Gnanalingam for
M/s.M.Balasubramanian

For 1st Respondent : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to quash the FIR in Crime No.10/2015 on the file of the 1st respondent.

2. Heard the learned counsel for the petitioners; learned Additional Public Prosecutor appearing for the 1st respondent and perused the materials placed on record.

3. On the complaint lodged by V.Rajalakshmi, the respondent police have registered a case in Crime No.10/2015 on 08.10.2015 for offences under Section 498(A) and 406 of IPC against 5 accused, challenging which, the accused are before this court.

4. Learned counsel for the petitioner submitted that Rajalakshmi got married to Anandbabu in December 2014 and thereafter, she has filed a divorce petition in FCOP No.4606

of 2015 before the III Additional Family Court, Chennai for divorce on the ground of cruelty. He also submitted that Revathi (A4) and Mahesh (A5) were not living in the joint family wing and they were living separately.

5. This court carefully perused the FIR. Rajalakshmi has stated that during February 2015, around 10'o clock in the night, she was assaulted and chased out of the house. Since there are prima facie averments in the FIR, this is a not a fit case to quash the prosecution, at this stage. However, the Hon'ble Supreme Court in Arnesh Kumar Vs State of Bihar [2014] 8 SCC 273 has stated that, it has become a common practice to implicate all the family members of the husband, irrespective as to whether they are in the joint household or not.

6. Under such circumstances, the Inspector of Police, All Women Police Station, Tiruvallur is directed to conduct a thorough investigation into the allegation of the complainant and if it is found that, the same is false, it is needless to state that, the action against the accused should be dropped.

With the above direction this petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS V.)

/true copy/

Sub Asst. Registrar

To

1. State by
Inspector of Police,
All Women Police Station
Tiruvallur - 602001

2.The Public Prosecutor,
High Court, Madras.

+1 cc to mr.M.Balasubramaniam,advocate,sr.49931.

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