

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.21309 of 2016
and
M.P.No. 9871 of 2016

1.Sakthish
2.Venkatesan
3.Kunapoosani

... Petitioners

Vs

1. Inspector of Police,
All Women Police Station
Chengam,
Tiruvannamalai District.

2. Priyadharshini

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for records pertaining to the First Information Report in Crime No.9 of 2016 on the file of the Inspector of Police, All Women Police Station, Chengam, Tiruvannamalai District and quash the same.

For Petitioners : Mr.M.Guruprasad
for Mr.K.Semmalai

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor
for R1

O R D E R

This petition has been filed to call for records pertaining to the First Information Report in Crime No.9 of 2016 on the file of the Inspector of Police, All Women Police Station, Chengam, Tiruvannamalai District and quash the same.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.

3. On the complaint lodged by Priyadharshini, the first respondent police have registered a case in Crime No:9 of 2016 on 30.06.2016 u/s.498(A), 417, 420, 294(b), 352, 506(ii) and 509, IPC, r/w Section 6 of the Dowry Prohibition Act,

against the petitioners/accused, challenging which, the petitioners are before this Court.

4. Mr.Guruprasad, learned counsel appearing for the petitioners submitted that, the gravamen of the allegation in the FIR is that, the marriage had not been consummated and it is suspected by the de facto complainant that Sakthish (A1) is impotent.

5. This Court perused the FIR. There are some allegations against Sakthish (A1) which require a police investigation. However, the Supreme Court, in Arnesh Kumar Vs State of Bihar [(2014) 8 SCC 273] has observed that in matrimonial offences, it is very common for complainants to rope in all the members of the husband's family on trumped up charges. This cannot be gone into at this stage. Bearing in mind the observations of the Supreme Court, the respondent police is directed to conduct a thorough investigation in this matter and if it is found that, the de facto complainant had implicated all the family members unnecessarily, it is needless to state that further action against them shall be dropped. The Deputy Superintendent of Police concerned is directed to monitor the investigation in Crime No:9 of 2016.

With the above directions, this petition is closed. Consequently Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dpq

To

1.The Deputy Superintendent of Police
All Women Police Station,
Chengam,
Tiruvannamalai District

2.The Inspector of Police,
All Women Police Station,
Chengam,
Tiruvannamalai District

3.The Public Prosecutor,
High Court, Madras.

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