

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.21682 of 2016

& Crl.M.P.No.10027 of 2016

1.Elamaran
2.Vijayaraghavan
3.Tamil Selvi
4.Elavarasan
5.Karthiga Devi
6.Kumar

... Petitioners/Accused

Vs.

1.The State of Tamil Nadu,
rep. by the Inspector of Police,
All Women Police Station,
Sooramangalam,
Salem District.

...1st Respondent/Complainant

2.Ramya

... 2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records relating to Crime No.5 of 2016 on the file of the Inspector of Police, All Women Police Station, Sooramangalam, Salem District and quash the same.

For Petitioners : Mr.S.Arivazhagan

For Respondent-1 : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction to call for the records relating to Crime No.5 of 2016, on the file of the Inspector of Police, All Women Police Station, Sooramangalam, Salem District and quash the same.

2.On the complaint lodged by Ramya, the respondent police registered a case in Crime No.5 of 2016 on 29.01.2016, under Section 498 (A) and 506(ii) of IPC and Section 4 of The Tamil Nadu Prohibition of Women Harassment Act, 1998 against Elamaran (husband), Vijayaraghavan (father-in-law), Tamil Selvi (Mother-in-law), Elavarasan (Brother-in-law) and Kumar (brother-in-law) and his wife Karthiga Devi, challenging which, all the accused are before this Court.

3. Mr.S.Arivazhagan, learned counsel for the accused submitted that the FIR does not disclose any allegation as against the relatives of Elamaran and they have been falsely implicated.

4. This Court gave its anxious consideration to the rival submissions and perused the FIR.

5. It is alleged by Ramya that she has got married to Elamaran on 22.08.2012 and they have got one child. She has made very serious allegations against Elamaran, subjecting her to cruelty. As against other accused there are no serious allegations.

6. In Arneshkumar vs.State of Bihar (2014 (8) SCC 273), the Honourable Supreme Court has held that in complaints in matrimonial cases,all the relatives are unnecessarily implicated and are being harassed. In this case, even according to Ramya, she had gone to Singapore with Elamaran but the other accused were in India.

7. Since there are prima facie allegations against Elamaran, it is not a fit case to interfere at this stage. However, the Inspector of Police, All Women Police Station, Sooramangalam, Salem District, is expected to conduct investigation in Crime No.5 of 2016 and if it is found that there are no materials as against A2 to A6, their names shall be deleted in the final report, in terms of the law laid down by the Honourable Supreme Court in Arnesh Kumar's case.

8. With the above direction, this Criminal Original Petition is closed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

smi

To

1.The Inspector of Police,
All Women Police Station,
Sooramangalam, Salem District.

2.The Public Prosecutor, High Court, Madras.

+1cc to M/S S.Arivazhagan, Advocate Sr.54786

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TRM(CO)
RVR 22/10/2016
krd 10/11