

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 27.09.2016
CORAM
THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
CRL.OP.No.21920 of 2016
and M.P.No.10166 of 2016

Selvakumari ...Petitioner/A2

vs.

1.The Inspector of Police, .. Respondent/complainant
W35, All Women Police Station,
Tambaram, Chennai.

2.R.Sujatha ...Respondents/Defacto complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., pleaded to call for the records pertaining to the impugned FIR in Crime No.35 of 2016 dated 05.08.2016 on the file of the Inspector of Police, W35, All Women Police Station, Tambaram, Chennai and quash.

For Petitioner : Mr.S.Ramachandran

For Respondents : Mr.B.Ramesh Babu, Govt.Advocate
(R1)

O R D E R

This petition has been filed to call for the records pertaining to the impugned FIR in Crime No.35 of 2016 dated 05.08.2016 on the file of the Inspector of Police, W35, All Women Police Station, Tambaram, Chennai and quash.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the first respondent.

3. It is seen that, on the complaint lodged by Sujatha, the respondent police have registered a case in Crime No.35 of 2016 on 05.08.2016 u/s.294-(b), 323, 498(A) & 506(i) of IPC against Koteeswaran and Selvakumari, challenging which Selvakumari is before this Court. Learned counsel appearing for Selvakumari submitted that, there is no prima facie material against her in the complaint given by Sujatha, warranting registration of an FIR. This Court gave its anxious consideration to the rival submissions. In Arnesh Kumar Vs State of Bihar [(2014) 8 SCC 273] Supreme Court has quoted that, there is a tendency of complainants to implicate every person in the family of the husband in the FIR and therefore the police must be very careful in prosecuting the relatives of the husband. In this case there are sufficient allegations as against Koteeswaran (A1),

the husband of de facto complainant. But there are no serious allegations as against Selvakumari.

4. Therefore this Court directs the Inspector of Police, All Women Police Station, Tambaram to conduct a thorough investigation in Crime No.35 of 2016 and if it is found that, the allegation against Selvakumari are false, it is needless to state that, action against her should be dropped expeditiously.

5. With the above direction this petitions is closed. Consequently Miscellaneous Petition is also closed.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

dpq

To

1. The Inspector of Police,
W35, All Women Police Station,
Tambaram, Chennai.

2. The Public Prosecutor
High Court, Madras.

+1 cc to MR.S.RAMACHANDRAN Advocate SR.NO. 55126/2016

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vgi[co]
RD 22/10/2016

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