

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.23557 of 2016

and CRL MP No.11066 of 2016

1. Balaraman
2. Yasothai
3. Shakila
4. Bakkiyam

.. Petitioners/A2 to A5
Vs

1. State rep. by
Inspector of Police,
All Women Police Station,
Tindivanam Taluk,
Villupuram District.

2. Sundari .. Respondents/Complainant/
Defacto Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Crime No.7/2016 on the file of Inspector of Police, All Women Police Station, Tindivanam, Villupuram District dated 28.06.2016 and quash the Same.

For Petitioners : Mr.S.Saravanakumar
For Respondent : Mr.C.Emalias,
Additional Public Prosecutor.

ORDER

This petition has been filed to call for the records in Crime No.7 of 2016 on the file of the Inspector of Police, All Women Police Station, Tindivanam, Villupuram District dated 28.06.2016 and quash the Same.

2. Heard Mr.Saravanakumar, the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. On the complaint lodged by one Sundari, the first respondent police registered a case in Cr.No.7 of 2016 on 28.06.2016 for the offences u/s 147, 294(b), 341, 448, 494, 498-A, 313 and 506(ii) IPC and Section 4 of the Tami Nadu Prohibition of Harassment of Women Act, 1998 against Sakthivel and four others, challenging which the accused are before this

Court.

4. Mr.Saravanakumar, the learned counsel for the petitioner submitted that Sundari, the de facto complainant is a Police Constable and she got married to one Sakthivel and has two children through their wedded life. It appears that one complaint was lodged against Sundari before the Inspector of Police, C-6, Mailam Police Station, Tindivanam and thereafter a Crl.O.P.No.23356 of 2013 was filed before this Court, seeking a direction to the respondent police to register an FIR on the said complaint.

5. This Court, by order dated 13.09.2013 in Crl.O.P.No.23356 of 2013, directed the parties to appear before the Mediation and Conciliation Centre to resolve the issues.

6. Pursuant to that, the parties have re-joined and again some dispute appears to have arisen between the spouses, on account of which, they are now estranged. It is alleged by Sundari that Sakthivel is having illicit relationship with one Bakkiyam and on 20.08.2016, around 7.30 a.m., when Sundari was going with full uniform for duty, the accused not only abused her, but also assaulted her and tore her dress. Hence, this FIR has been registered.

7. The learned counsel for the petitioner submitted that Sundari levelled wild allegations against all the relatives of Sakthivel and she being a police constable, the police registered an FIR against the accused.

8. Per contra, the learned Additional Public Prosecutor refuted the allegations.

9. This Court gave its anxious consideration to the rival submissions.

10. The Supreme Court in Arnesh Kumar Vs. State of Bihar and another [(2014) 8 SCC 273] has held that in matrimonial cases, there is a growing tendency by the complainants to implicate all the members of the husband's family and therefore, the Supreme Court has given a note of caution to the police not to be hasty by arresting the accused on the ipse dixit of the complainant. Since there are prima facie allegations against Sakthivel, this Court is of the view that this is not a fit case to interfere at this stage.

11. Since Sundari is a Police Constable, it will be in the interest of justice, if investigation is conducted by the Inspector of Police, All Women Police Station, Tindivanam on the direct supervision of the Deputy Superintendent of Police, Tindivanam and it is ordered accordingly. This Court further directs that investigation shall be conducted in an unbiased manner and if it is found that the allegations against the petitioners are false, it is needless to state that the case against them shall be closed fully forthwith.

With the above direction, this petition is closed.
Consequently, connection miscellaneous petition is also closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

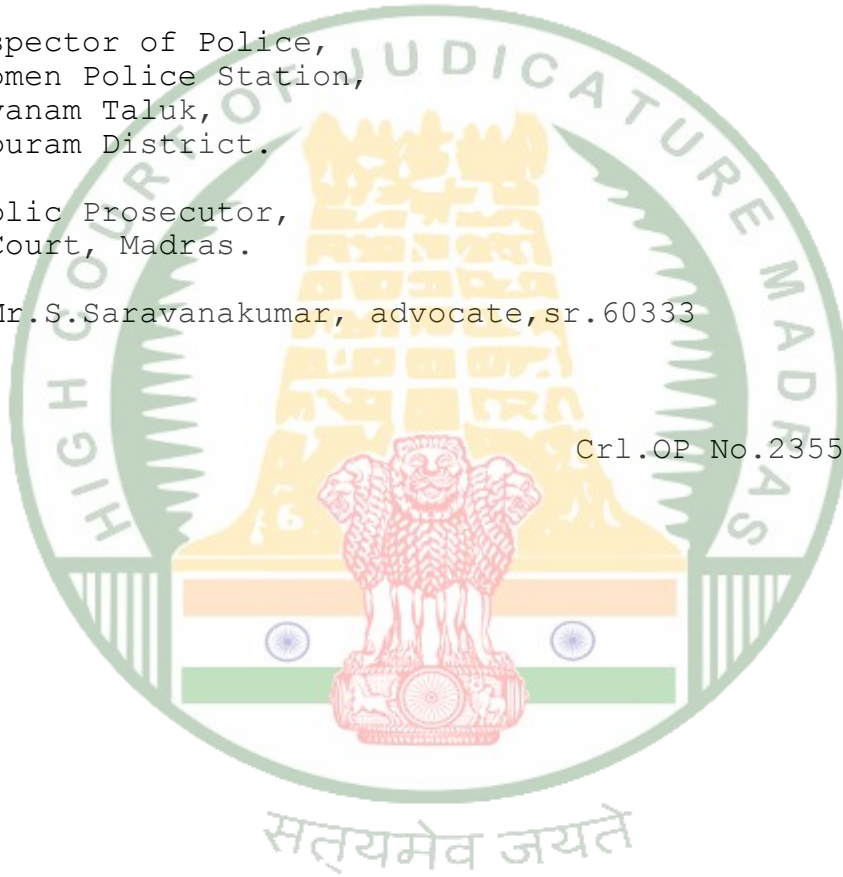
1. The Inspector of Police,
All Women Police Station,
Tindivanam Taluk,
Villupuram District.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.S.Saravanakumar, advocate,sr.60333

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