

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.23609 of 2016

and

Crl.M.P.No.11111 of 2016

1. Seenivasan

2. Madhesh

3. Malliga

4. Parameshwari

5. Palaniappan

6. Manickam

... Petitioners/Accused 1 to6

Vs

1. State Rep. by

Inspector of Police

All Women Police Station

Sooramangalam, Salem District. ...1st Respondent/Complainant

2. Jeevitha

...2nd Respondent/Defacto

Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the First Information Report in Cr.NO.12/2016 on the file of the 1st respondent police and quash the same.

For petitioners : Mr.C.Samivel

For R1 : Mr.C.Emalias
Addl.Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records relating to the First Information Report in Cr.No.12/2016 on the file of the 1st respondent police and quash the same.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the 1st respondent.

3. On the complaint lodged by Jeevitha, the 1st respondent police registered a case in Crime No.12 of 2016 on 18.08.2016 under Sections 498, 406, 323, 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 against Seenivasan & five others, challenging which all the accused are before this Court.

4. On a reading of the FIR, it is seen that the de-facto complainant has alleged that she got married to the petitioner on 09.02.2014 and thereafter, the accused were demanding more and more money. She further alleged that on 10.07.2016, the accused snatched her chain; attacked her; broke her hand and sent her away from her matrimonial home. The Supreme Court in Arnesh Kumar v. 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.

5. The 1st respondent police is directed to bear in mind the above observation of the Supreme Court and conduct investigation in an unbiased manner. If it is found that the allegations made by the de-facto complainant against the relatives are not true, it is needless to state that their names shall be deleted in the final report.

With the above observation, this petition is dismissed. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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

3. The Public Prosecutor,
High Court, Madras.

Crl.O.P. No.23609 of 2016

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