

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03..11.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.23812 of 2016

and M.P.No.11248 of 2016

1.Asohan
2.Mangaiarkarasi
3.Ganesan

... Petitioners/Accused 2,3 &4

-Versus-

1.State Rep. by its
Inspector of Police,
Mannargudi Town Police Station,
Mannargudi,
Thiruvarur District.
[Crime No.1162 of 2015]

2.G.Rajendran ... Respondents

Prayer: This petition is filed under Section 482 Cr.P.C. praying to call for the records relating to the case in Crime No.1162 of 2015 pending on the file of the Inspector of Police, Mannargudi Town Police Station, Mannargudi, Thiruvarur District and to quash the same.

For Petitioners : Mr.Vimal B.Crimson

For Respondents : Mr.C.Emalias for R1

ORDER

This petition has been filed seeking to quash the case in Crime No.1162 of 2015 pending on the file of the Inspector of Police, Mannargudi Town Police Station, Mannargudi, Thiruvarur District.

2. It is seen that Gomathi Jayam got married to Selvamani on 06.02.2009 and thereafter, their matrimonial life ran into rough weather. It appears that the spouses got estranged. On the complaint of Rajendran, the father of Gomathi Jayam, the 1st respondent police have registered a case in Crime No.1162 of 2015 on 13.12.2015 under Sections 498-A 506(i), 323 of IPC and Section 4 of The Tamil Nadu Prohibition of Harassment of Woman

Act against Selvamani and his family members. Challenging the same, A2, A3 and A4 are before this court.

3. Heard Mr.Vimal B.Crimson, the learned counsel appearing for the petitioners and Mr.C.Emalias, the learned Additional Public Prosecutor appearing for the 1st respondent and also perused the records carefully.

4. The learned counsel for the petitioners submitted that Selvamani and Gomathi Jayam were living separately and they were not living in joint family. Despite that, Gomathi Jayam's father has made a complaint with reckless allegations against the petitioners, who are family members of Selvamani and are innocent.

5. This court gave its anxious consideration to the rival submissions.

6. In Arnesh Kumar v. State of Bihar, [2014] 8 SCC 273 the Hon'ble Supreme Court has observed that there is general tendency amongst wives in matrimonial cases to make reckless allegations against all the family members of the husband. However, in the instant case there are prima facie allegations in the FIR and therefore, the FIR cannot be quashed in the light of the law laid down by the Hon'ble Supreme Court in State of Haryana v. Bhajanlal AIR 1992 SC 604. However, the 1st respondent police is directed to conduct investigation in an unbiased manner bearing in mind the aforesaid observation of the Hon'ble Supreme Court in Arnesh Kumar v. State of Bihar, [2014] 8 SCC 273 and during investigation, if it is found that the other accused have been falsely implicated, it is needles to state that further action against them should be dropped.

7. In the result, the criminal original petition is dismissed with the above directions. Consequently, connected MP are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector of Police, Mannargudi Town Police Station,
Mannargudi, Thiruvarur District.
- 2.The Public Prosecutor, High Court, Madras.

+lcc to Mr.Vimal B. Crimson, Advocate, S.R.No.62764

ctk (CO)
md (09/11/2016)

CrI.O.P.No.23812 of 2016



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