

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.8816 of 2016
and CRL.MP.No.4603 of 2016

1.Usharani
2.Deenadayalan
3.Sudha

...Petitioners

Vs

1.State by The Inspector of Police,
W-33, All Women Police Station,
Madhavaram, Chennai.

2.J.Sujatha

...Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the entire records in Cr.No.2 of 2016 on the file of the Inspector of Police, W-33, All Women Police Station, Madhavaram, Chennai and quash the same.

For Petitioners : Mr.C.Prakasam

For 1st Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to quash the proceedings in Crime No.2 of 2016 on the file of the 1st respondent-police.

2. Heard the learned counsel for the petitioners; learned Additional Public Prosecutor for the 1st respondent and perused the materials placed on record.

3. On a complaint lodged by the 2nd respondent, the 1st respondent-police have registered a case in Crime No.2 of 2016 for offences under Section 498[A] IPC r/w Section 6[2] of Dowry Prohibition Act against Madhan [husband of the 2nd respondent] and in-laws, who have been arrayed as accused 2 to 4. The petitioners, who are parents-in-law and sister-in-law have filed the present quash application for quashing the F.I.R. It is seen that the petitioners have been released on anticipatory bail and therefore, there cannot be any apprehension of arrest by the respondent-police.

4. On a reading of the F.I.R., there are prima facie materials for investigation to proceed and this Court cannot quash the F.I.R., in the light of the law laid down by the Hon'ble Supreme Court in State of Haryana Vs Bhajan Lal reported in 1992 Supp [1] SCC 335. However, the Hon'ble Supreme Court in Arnesh Kumar Vs State of Bihar reported in [2014] 8 SCC 273 has also held that in matrimonial offences, it is a common practice to implicate all the relatives of the husband and put them to trouble. Bearing in mind the aforesaid observations of the Hon'ble Supreme Court, the investigation shall proceed dispassionately and if there are no materials as against the petitioners herein, it is needless to state that their name shall be dropped from the final report.

With the above direction, this petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

gya
To

1.The Inspector of Police,
W-33, All Women Police Station,
Madhavaram, Chennai.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C. Prakasam, Advocate, S.R.No.29327

LRS (CO)
EU(14/06/2016)

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