

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 02.02.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH**Cr1.O.P.(MD) No.1792 of 2016****and****Cr1.MP(MD) Nos.918 & 919 of 2016**

1.Richard
2.Rajamani Ravichandran
3.Selvamani
4.Latha
5.Arulraj
6.K.Viji alias Kushbu

.. Petitioners

Vs.

1.The State rep. By the
Inspector of Police,
All Women Police Station,
Valliyoor.
(Crime No.25 of 2015)

..1st Respondent/Complainant

2.R.Wiselin

.. 2nd Respondent/
Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records relating to the FIR in Crime No.25 of 2015 on the file of the first respondent police and quash the same as illegal in respect of the petitioners/accused alone.

For Petitioners
For R1

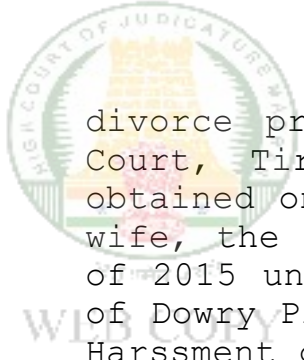
:: Mr.P.M.Vishnuvarthanan
:: Mrs.S.Prabha
Government Advocate(Cr1.side)

O R D E R

This Criminal Original Petition has been filed under Section 482 of Cr.P.C to quash the FIR in Crime No.25 of 2015 on the file of the first respondent police.

2. Heard the learned counsel for the petitioners and the learned Government Advocate(Cr1.side) appearing for the first respondent.

3. It is seen that the first petitioner got married to the defacto complainant some time in the year 2009 and thereafter their matrimonial life got estranged. The first petitioner filed a



divorce proceedings in I.D.O.P.No.204 of 2014 before the Family Court, Tirunelveli and an ex-parte order of divorce has been obtained on 21.04.2015. Thereafter, on the complaint lodged by the wife, the respondent police have registered a case in Crime No.25 of 2015 under Sections 498(A), 406, 294(b), 506(i) IPC, Section 4 of Dowry Prohibition Act and Section 4 of Tamilnadu Prohibition of Harassment of Women Act.

4. On a reading of FIR, this Court finds that there are *prima facie* materials for the police to conduct investigation. It is represented that all the accused have been released on anticipatory bail.

5. The learned counsel for the petitioners submitted that the defacto complainant has roped in all the relatives of her husband, which is against the law laid down in **Arnesh Kumar vs. State of Bihar and Another** reported in (2014) 3 MLJ (Crl) (SC). On a conspectus of the facts of this case, this Court is of the view that it is not a fit case to quash the FIR. However, the respondent police is directed to conduct the investigation dispassionately and if there are no materials against the accused, they shall be dropped from the prosecution and they shall not be unnecessarily harassed.

6. As regards the sixth petitioner is concerned, she seems to have married the first petitioner after passing of the order of divorce and she cannot be mulcted

with criminal liability. Therefore, the FIR as regards the sixth petitioner is hereby quashed.

7. In the result, this Criminal Original Petition is partly allowed. Consequently, connected M.Ps are closed.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

To

- 1.The Inspector of Police,All Women Police Station,Valliyoor.
 - 2.The Additional Public Prosecutor,Madurai Bench of Madras High Court, Madurai.
- +one cc to P.M.Vishnuvarathanan, Advocate in SR.No.6524

Crl. O.P. (MD) No.1792 of 2016
and Crl.MP(MD) Nos.918 & 919 of 2016

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