



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P(MD)No.7313 of 2016
and Cr1.M.P(MD)No.3705 of 2016

1. Shanmugaraja
2. Rukmani
3. Bama
4. Vijayakumar

... Petitioners/Accused Nos.2 to 5

-vs-

1. State rep. By
The Inspector of Police,
All Women Police Station,
Keelakarai,
Ramanathapuram District.

... 1st Respondent/Complainant

2. Devi

... 2nd Respondent/
Defacto complainant

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the First Information Report, dated 19.02.2016 in Crime No.4 of 2016 on the file of the Inspector of Police, All Women Police Station, Keelakarai, Ramanathapuram District and quash the same as illegal and devoid of merits.

For Petitioner : Mr.M.Jegadeesh Pandian

For R - 1 : Mrs.S.Prabha
Government Advocate (Criminal Side)

O R D E R

This Criminal Original Petition has been filed seeking to call for the First Information Report, dated 19.02.2016 in Crime No.4 of 2016 on the file of the Inspector of Police, All Women Police Station, Keelakarai, Ramanathapuram District and quash the same.

2. Heard the learned counsel on either side.

<https://hcservices.ecourts.gov.in/hcservices/>
3. On the complaint lodged by Devi, the respondent Police have registered a case in Crime No.4 of 2016 on 19.02.2016 under



Sections 498(A) I.P.C and 4 of Dowry Prohibition Act against five accused. Challenging the same, A2 to A5 are before this Court.

4. On a reading of the F.I.R it is seen that the defacto complainant got married to Maruthupandi-A1 on 12.05.2013 and thereafter, the marriage ran into rough weather.

5. It is alleged by the defacto complainant that she was physically assaulted and thrown out of the house by the accused herein.

6. Since prima facie case, which discloses the commission of offence, this Court will not interfere at this stage. However, it is not uncommon in matrimonial offence for complainants to make false allegations against all the members of the husband's family as observed by the Honourable Supreme Court in Arnesh Kumar Vs. State of Bihar and another, reported in 2014(3) MLJ (Cr1) 353 (SC).

7. The learned counsel for the petitioners submits that Vijayakumar (A5) is a police constable and that his chance of promotion is prejudiced on account of this F.I.R. Hence, this Court directs the respondent Police to conduct the investigation bearing in mind the caution given by the Apex Court in Arnesh Kumar Vs. State of Bihar and another, reported in 2014(3) MLJ (Cr1) 353 (SC). If it is found that the petitioners have been falsely implicated, it is needless to say that they should not be added in the final report.

8. With the above observation, this Criminal Original Petition is closed. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1. The Inspector of Police,
All Women Police Station, Keelakarai, Ramanathapuram District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
+1cc to M/s.M.Jegadeeshpandian, Advocate, Sr.No.25347

ps

JM/MP/12.05.2016/2P-4C