



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR

CrI.O.P.(MD) No.15316 of 2014 and
M.P.(MD)No.1 of 2014 & CrI.MP.(MD)No.5492 of 2017

V.Kavitha ... Petitioner/Accused No.3

-Vs-

1.The State of Tamil Nadu,
Represented by its Inspector of Police,
District Crime Branch,
Theni District.
(Crime No.41 of 2013)

...Respondent/Complainant

2.Y.Victor Raja

...Respondent No.2/
Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records relating to Crime No.41 of 2013 pending investigation on the file of the respondent Police and to quash the same with regard to the petitioner.

For Petitioner : Mr.S.Sukumar
For R-1 : Mr.K.Anbarasan,
Government Advocate(CrI.side).

O R D E R

This Criminal Original petition is filed for quashing the First Information Report in Crime No.41 of 2013 for the offences under Sections 109, 114, 294(b), 406, 417 and 506(i) of I.P.C., on the file of the respondent/Inspector of Police, District Crime Branch, Theni District.

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

3. The petitioner is the third accused and wife of the second accused.

4. The case of the petitioner is that she did not involve in services of the main offence.



5. The learned Government Advocate(Criminal side) on instructions submitted that the respondent police has found several materials to prove that the petitioner, namely, the third accused is also involved.

6. The learned counsel for the petitioner submitted that the petitioner/third accused is not living with the second accused/husband and that some proceedings have been initiated for dissolution of the marriage between the second accused and the petitioner/third accused. However, this fact is disputed.

7. The learned Government Advocate(Criminal side) on instructions also submitted that the petitioner/third accused and the second accused/husband are living together even on date.

8. This Court has to mainly consider in a petition to quash the First Information Report, whether the allegations made in the First Information Report shows a prima facie case attracting the offences referred to in the First Information Report. The grounds raised in this petition that there is no prima facie case and that there is no specific overt act are not acceptable, having regard to the specific averments in the First Information Report.

9. Further the learned Government Advocate(Criminal side) submitted that there are several materials found as against the petitioner. In the said circumstances, this Court is not inclined to quash the First Information Report, as there is no convincing reasons to quash the First Information Report or to conclude that the First Information Report registered is an abuse of process of law. Hence, the Criminal Original petition is dismissed. However, the personal appearance of the petitioner is dispensed with unless the appearance of the petitioner is specifically required by the Court. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar.

To

1. The Inspector of Police, District Crime Branch, Theni District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD) No.15316 of 2014

12.07.2017