



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD) No.14089 of 2017

and

Crl.M.P.(MD)No.9441 of 2017

Ramachandran

... Petitioner / Accused No.1

Vs.

1.The State represented by

The Inspector of Police,
Ambathurai Police Station,
Dindigul District.

(in Crime No.203 of 2017)... 1st Respondent / Complainant

2.Janani

...2nd Respondent / De-facto complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in Cr.No.203 of 2017 on the file of the first respondent police and quash the same as against the petitioner.

For Petitioner :Mr.T.A.Ebenezer

For First Respondent :Mr.K.S.Durai Pandian

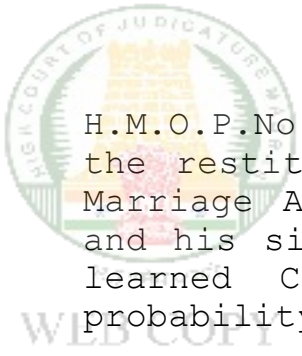
Additional Public Prosecutor

ORDER

The Criminal Original Petition is filed to quash the First Information Report in Cr.No.203 of 2017 on the file of the first respondent police, as against the petitioner.

2.The petitioner is the first accused and father of one Rajadurai. The de-facto complainant / second respondent lodged a complaint on 08.08.2017, which was registered for the alleged offences under Section 366 IPC and Section 4 Tamil Nadu Prohibition of Harassment of Women Act, 2002. The case was registered only on 09.08.2017. In the complaint she has stated that the petitioner and his son have abducted her and forced her to marry the petitioner's son.

<https://hcservices.equitygrouping.com> 3.Even though the complaint clearly discloses cognizable offences, the learned Counsel for the petitioner states that petitioner's son already filed a petition before the Family Court, Dindigul in



H.M.O.P.No.153 of 2017, as against the de-facto complainant for the restitution of the conjugal rights under Section 9 of Hindu Marriage Act and that there is a dispute between the petitioner and his sister in relation to a property. The contentions of the learned Counsel for the petitioner is only requesting the probability of the incident.

4.Probability of the complaint cannot be a ground for quashing the Charge Sheet or the First information Report. It is also settled that on the basis of factual submissions, contentious issues which are expected to be gone into by the Court at the time of trial cannot be decided at this stage. Hence this Court is not inclined to entertain this petition for the reason stated by the learned Counsel for the petitioner and it is well settled that when the complaint discloses cognizable offence, it is the bounden duty of the respondent police to register the case and to enquire further. Accordingly, this Criminal Original Petition is dismissed. It is open to the petitioner to raise all his objections at the time of trial before the Court at the appropriate stage or during enquiring before filing charge sheet. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar.

To

- 1 The Inspector of Police,
Ambathurai Police Station,
Dindigul District.
- 2 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.T.A.Ebenezer, Advocate, SR.No. 83178

CRL.OP.(MD) No.14089 of 2017
23.10.2017

cmr

AM/JC/SAR 1/03.11.2017/2P/4C