



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2017

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CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.(MD)No.2809 of 2017

and

Cr1.M.P.(MD)No.2152 of 2017

1.Sheik Mydeen,  
S/o.P.Meiyakhan,  
84, K.O.D jal,  
Indra Nagar,  
Daravi,  
Mumbai - 400 017.

2.Muthu Meeral  
W/o. Meiyakhan,  
No.2 A, Pallivasal 1<sup>st</sup> street,  
Pathamadai,  
Tirunelveli District.

3.Nagooral Bevi,  
W/o. Sheik Mydeen,  
No.2 A, Pallivasal 1<sup>st</sup> street,  
Pathamadai,  
Tirunelveli District.

4.Kother,  
W/o. Olimydeen,  
No.2 A, Pallivasal 1<sup>st</sup> street,  
Pathamadai,  
Tirunelveli District.

: Petitioners

Vs.

1.The State rep. by,  
The Inspector of Police,  
All Women Ambasamuthiram Police Station,  
Tirunelveli District.  
(In Crime No.15 od 2016)

2.Ahamed Meeral,  
W/o. Kaja Mydeen,  
Main road, South Street,  
Pathamadai,  
Tirunelveli District.

: Respondents



Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records of First Information Report in Crime No.15 of 2016 on the file of the Respondent No.1 and quash the same as illegal.

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For Petitioner : Mr.S.M.A.Jinnah  
For Respondent : Mr.A.P.Balasubramani,  
Government Advocate (Crl.side)  
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O R D E R

On the complaint lodged by the second respondent, the first respondent police has registered the case in Crime No.15 of 2016 for offences under sections 498(A), 406, 294(b), 506(1) of the Indian Penal Code on 29.08.2016 against the petitioners herein, challenging which, the petitioners are before this Court.

2.It is the case of the de-facto complainant that she got married to the first petitioner Sheik Mydeen in the year 2002 and they are blessed with two children, one of whom, is mentally challenged. Immediately after marriage, the first petitioner and the de-facto complainant were living in Mumbai. Thereafter, the first respondent has brought the de-facto complainant and her two children and left them in Pathamadaai in Tirunelveli, in her parental home and abandoned her.

3.Heard Mr.S.M.A.Jinnah, learned counsel for the petitioner and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side).

4.Ms.Femila, Grade I Constable, Ambasamuthiram Police Station, Tirunelveli District, is present before this Court.

5.The learned counsel for the petitioner submitted that the FIR does not disclose the commission of the cognizable offence. However, on a reading of the FIR, the second respondent has clearly alleged that on 18.12.2015, all the accused beaten her and assaulted her at the house of the accused. She has also given individual overt acts of each of the petitioner.

6.In the light of the fact that there are prima facie materials in the FIR, it is not a fit case for quashing the FIR, in view of the law laid down by the Hon'ble Supreme Court in State of Haryana and others v. Bhajan Lal and others reported in 1992 Supp (1) SCC 335. However, the respondent police is directed to conduct a thorough investigation, bearing in mind the law laid down by the Hon'ble Supreme Court in Arnes Kumar Vs. State of Bihar reported in 2014 (8) Scale 250. If it is found that the allegations are false, it is needless to state that the prosecution against the accused should be closed.



With the above observation and direction, this criminal original petition is closed. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(C.O.)

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/True Copy/

Sub Assistant Registrar

To

1.The Inspector of Police,  
All Women Ambasamuthiram Police Station,  
Tirunelveli District.

2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1CC to M/S.S.M.A.Jinnah, Advocate, SR.No. 14751

Order made in  
Crl.O.P.(MD)No.2809 of 2017

Dated: 14.03.2017

MR/RR

AM/RR/SAR 2/07.04.2017/3P/4C