



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

WEB COPY

**Crl.O.P. (MD) No.2924 of 2017
and Crl.M.P. (MD) .No.2233 of 2017**

Rajeswari : Petitioner/A1

Vs.

1.State rep. by
The Inspector of Police
Bodinayakkanur Rural Police Station
Theni District. :1st Respondent/Complainant

2. N.Vasudevan :2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records in Crime No. 318 of 2016 on the file of the 1st respondent police and quash the same.

For Petitioner : M/s.V.Thirumal.

For Respondent : Mr.R.Anbarasan,
Government Advocate (Crl.side)
For R1.

ORDER

This Criminal Original Petition has been filed to quash the case in Crime No.318/2016 on the file of the 1st respondent police.

2. On a complaint given by N.Vasudevan, that his wife Rajeswari developed illicit intimacy with Chinnathambi and started threatening him, the respondent police registered a case in Crime No.318/2016 on 05.06.2016 for offences under sections 497, 294(b) and 506(i) IPC against Rajeswari and Chinnathambi, challenging which, Rajeswari is before this Court.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) for the 1st respondent.

4. The learned counsel for the petitioner submitted that for offence under Section 497 IPC, an FIR cannot be registered, as it is a non cognizable offence and therefore, the First Information Report should be quashed.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Per contra, the learned Government Advocate (Crl. side)



submitted that the offences disclose commission of other offences under Sections 294(b) and 506(i) IPC and therefore, the entire F.I.R. cannot be quashed.

6. This Court gave its anxious considerations to the rival submissions.

7. As rightly contended by the learned counsel for the petitioner, for offence under Section 497 IPC - adultery, an F.I.R cannot be launched, as it is a non cognizable offence. However, on a reading of the First Information Report, sufficient allegations have been made by the defacto complainant against the petitioner for attracting the provisions of Sections 294(b) and 506(i) IPC. Therefore, the First Information Report is quashed only with regard to the offence under Section 497 IPC and investigation shall go on with regard to other offences.

8. With the above directions, this petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

1.The Inspector of Police
Bodinayakkanur Rural Police Station
Theni District

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

+1 cc to Mr.V.Thirumal , Advocate in SR.No. 15026

Msa/RR

AE/DKN/SAR4/04.04.2017/2P/4C

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