



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.3353 of 2017

- 1.Arunachalam
- 2.Vasanth @ Valli
- 3.A.S.A.Chakkaravarthi
- 4.Gomathi Sathiya
- 5.Subbu @ Kavitha

... Petitioners

-vs-

- 1.State rep. by
The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.29/15)

- 2.Subbulakshmi

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records and quash the chargesheet in C.C.No.385 of 2016 on the file of the learned Judicial Magistrate, No.I, Thoothukudi, Thoothukudi District arising out of the FIR in Cr.No.29 of 2015 on the file of the 1st respondent herein as against the petitioners herein.

For Petitioner : Mr.A.Thiruvadikumar

For Respondents : Mr.K.Anbarasan for R1
Government Advocate (Crl. side)
Mr.Ka.Ramakrishnan for R2

ORDER

Today, Mr.Ashwin M. Kotnis, Superintendent of Police, Thoothukudi, is present before this Court.

2.On the complaint lodged by Subbulakshmi, the first respondent police registered a case in Crime No.29/2015 and after completing the investigation, filed a final report in C.C.No.385 of 2016 before the Judicial Magistrate, NO.I, Tuticorin for offences under Sections 498(A) and 506(i) IPC and Section 4 of the Dowry Prohibition Act against 7 accused, out of which, A3 to A7 are co-accused. The Court for quashing the prosecution on the ground that they have been falsely implicated.



3. It is the allegation of Subbulakshmi that she got married to Karuppasamy on 06.02.2012 and that Karuppasamy had suppressed his marital relationship with one Nagajothi, despite which, Karuppasamy got married to Subbulakshmi. It is brought to the notice of this Court that Nagajothi had earlier lodged a complaint against Karuppasamy and Chakkaravarthi, based on which, a case in Crime No.5/2012 was registered by the Inspector of Police, All Women Police Station, Chengalpattu for offences under Section 498 (A), 406 and 506(i) IPC and the investigation in the said case appears to have been completed pursuant to an agreement that is said to have been entered into between Nagajothi and Karuppasamy. All these facts have not been brought on record by the first respondent during the course of investigation in Crime No.29/2015. In the opinion of this Court, the first respondent has conducted a very perfunctory investigation by not even examining Karuppasamy and Nagajothi, but the chargesheet has been filed by showing Karuppasamy and Nagajothi as absconding accused. The petitioners, who are A3 to A7, are relatives of Karuppasamy and there appears to be no incriminating materials against them.

4. The case in C.C.No.385/2016 was taken on file by the learned Judicial Magistrate, No.I, Tuticorin and for want of service of summons of Karuppasamy and Nagajothi, the case had not progressed till date.

5. In **Arnesh Kumar Vs. State of Bihar** reported in **2014 (8) Scale 250**, the Supreme Court has very clearly observed that there is tendency amongst married women to falsely implicate all the relatives of the husband for oblique motive. This appears to be one such case and this Court is of the view that a thorough further investigation is essential in this case. Therefore, the Assistant Superintendent of Police, Tuticorin District, is directed to conduct a complete reinvestigation of the case in All Women Police Station, Thoothukudi, Crime No.29/2015 by taking into consideration the events that transpired in Kancheepuram Police Station Crime No.5/2012 and during the course of reinvestigation, if it is found that the present petitioners are innocent, it is needless to state that further prosecution against them should be dropped. Until then, the trial in C.C.No.385/2016 on the file of the Judicial Magistrate, No.I, will stand stayed. The supplementary final report shall be filed by the Assistant Superintendent of Police, Tuticorin before the Judicial Magistrate, No.I, Tuticorin in C.C.No.385/2016. The investigation shall be monitored by the Superintendent of Police, Tuticorin.

With the above direction, this petition is closed. Consequently connected Miscellaneous Petitions are closed.

SD/-

ASSISTANT REGISTRAR(C)



To:

1.The Judicial Magistrate No.I,
Tuticorin.

2.-Do/thro The Chief Judicial Magistrate ,
Tuticorin.

3.The Superintendent of Police,
Tuticorin.

4.The Assistant Superintendent of Police,
Tuticorin.

5.The Inspector of Police,
All Women Police Station,
Thoothukudi, Thoothukudi District.

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

+1 CC TO MR.A.THIRUVADIKUMAR,ADVOCATE,SR NO.51929

RR

MAS/SV-MMS:20.04.2017:3P-8C

Crl.O.P. (MD) No.3353 of 2017
and Crl.M.P.Nos.2527 and 2528 of 2017
12.04.2017