



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. (MD) No.3705 of 2017

and

Crl.M.P. (MD) No.2741 of 2017

1. Gopala Kannan
2. Kalaiselvi
3. Vanamalar
4. Natesan
5. Sornam

: Petitioners/Respondents 1 to 5

-Vs-

1. The State Rep. by,
The Inspector of Police,
All Women Police Station,
Kanyakumari,
Kanyakumari District.
(Crime No.2 of 2016).

: Respondent/Complainant

2. I. Sumathi

: Respondent/Defacto-Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records of the First Information Report bearing Crime No.2 of 2016 on the file of the All Women Police Station, Kanyakumari, Kanyakumari District and quash the same as illegal as against the petitioners and devoid of merits.

For Petitioners : Mr.S.Palani Velayutham

For Respondent No.1 : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)

O R D E R

Pursuant to the directions issued by this Court in Crl.O.P. (MD) No.1173 of 2016, on the complaint given by the second respondent, the first respondent registered a case in Crime No.2 of 2016, on 14.03.2016 under Sections 498(A), 294(b) of the Indian Penal Code and Section 4 of Dowry Prohibition Act against the petitioners herein, challenging which, the petitioners are before this Court.

2. Heard Mr.S.Palani Velayutham, learned counsel for the petitioners and Mr.A.P.Balasubramani, learned Government Advocate (Criminal side) appearing for the first respondent. M/s.Padma, ~~Legal Consultants~~, All Women Police Station, Kanyakumari, is present in Court today.



3. The learned counsel for the petitioners submitted that all the family members of the husband have been falsely implicated by the defacto complainant and that even according to the defacto complainant, the marriage had taken place in the year 2009 and in order to wreck vengeance, she launched the present prosecution. He also submitted that one of the accused, viz., Sornam is 75 years old. He also submitted that Vanamalar, the third petitioner is the sister-in-law, who had got married to the defacto complainant's brother and got estranged from her husband.

4. Though there are sufficient force in the submissions of the learned counsel for the petitioners, it is seen that the police have recorded the statements of some witnesses and at this juncture, it may not be appropriate for this Court to quash the First Information Report at the threshold.

5. In **Arnesh Kumar Vs.State of Bihar** reported in **2014 (8) Scale 250**, the Hon'ble Supreme Court has noted the tendency of defacto complainants to implicate all the family members of the husband on flimsy grounds.

6. Under such circumstances, the Deputy Superintendent of Police, Kanyakumari Sub-Division, is directed to monitor the investigation in Crime No.2 of 2016 registered on the file of the Inspector of Police, All Women Police Station, Kanyakumari and during investigation, if it is found that some of the petitioners have been falsely implicated, it is needless to state that the case against them should be closed.

7. This Criminal Original Petition is disposed of with the above direction. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Kanyakumari Sub-Division, Kanyakumari District.
 2. The Inspector of Police,
All Women Police Station,
Kanyakumari, Kanyakumari District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 cc to Mr.S.Palani Velayutham, Advocate, SR.No. 50087

Order made in
CRL.O.P. (MD) No.3705 of 2017
Dated: 03.04.2017