



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Cr1.O.P. (MD) No.5116 of 2017

and

Cr1.MP (MD) No.3618 of 2017

1.D.Krishnan
2.K.Lakshmi
3.K.Nageshwaran
4.K.Mareeswaran
5.Shanmugapriya
6.K.Thandeeswaran
7.Deepa Lakshmi

: Petitioners/Accused 1 to 7

-Vs-

1.The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
In Cr.No.23 of 2017.

2.K.Backiyam

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records in Cr.No.23 of 2017, dated 29.03.2017 for the offences under Section 294(b), 406, 498(A), 506(i) IPC and Section 4 of TNPHW Act, on the file of the respondent and quash the same.

For Petitioners : Mr.M.Gururaj

For R1 : Mr.A.P.Balasubramani,
Government Advocate (Cr1.side)

O R D E R

On the complaint lodged by the second respondent, the first respondent police registered a case in Cr.No.23 of 2017, on 29.03.2017, for offences under Sections 498(A), 406, 294(b), 506 (i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, against 7 accused, challenging which, the accused are before this Court.



2. Heard Mr.M.Gururaj, learned counsel for the petitioners and Mr.A.P.Balasubramani, learned Government Advocate (Criminal side) appearing for the first respondent. Mr.S.Meharaj, Sub Inspector of Police, All Women Police Station, Madurai District, is present in Court today.

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3. The learned counsel for the petitioners submitted that the marriage between the defacto complainant and Nageswaran (A3) was solemnized on 30.11.2012 and they are having one daughter through their wedlock. Thereafter, their marriage ran into rough weather and there was some difference of opinion between the spouse, which resulted in lodging the present complaint by the second respondent/wife implicating all the family members of her husband.

4.Per contra, the learned Government Advocate (Crl.side) submitted that the FIR has been registered only on 29.03.2017 and the investigation is still pending.

5.This Court gave its anxious consideration to the rival submissions.

6.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 make allegations against all the family members of the husband including those, who are married and settled elsewhere.

7.In this case, Nageswaran (A3) is CRPF Jawan and he is posted in Andrapradesh, Naxalite Area. Since the investigation is at very initial stage, this Court is not inclined to interfere at this stage. However, the respondent police is directed to conduct investigation in accordance with the law laid down in **Arnesh Kumar Vs.State of Bihar** reported in **2014 (8) Scale 250**, by issuing notice to the concerned person under Section 41(A) of Indian Penal Code, especially, in the light of the fact that the third respondent is CRPF Jawan, who is serving the Nation in a troubled area. If the allegations are found to be false, it is needless to state that FIR should be closed.

8.With the above observation, this Criminal Original Petition is closed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/



To

1.The Inspector of Police,
All Women Police Station,
Thirumangalam, Madurai District.

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

Am

CSL/BS/SAR-IV/10.05.2017 : 3P/3C

CRL.O.P. (MD) No.5116 of 2017
26.04.2017