



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.(MD)No.8158 of 2017

and

CrI.M.P.(MD)No.5535 of 2017

Sofia

: Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
District Crime Branch,
Kanyakumari District at
Nagercoil.

2.Leela Pushpabai

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to the FIR in Crime No.23 of 2016 [wrongly mentioned in the petition as 'Crime No.23 of 2013'] and quash the same insofar as the petitioner/Accused No.1 is concerned.

For Petitioner

: Mr.C.K.M.Appaji

For Respondent No.1

: Mr.K.Anbarasan,

Government Advocate (CrI.side)

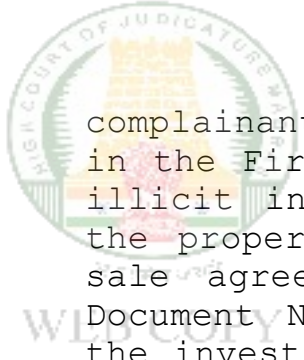
O R D E R

On the complaint lodged by Leela Pushpababi, the respondent police registered a case in Crime No.23 of 2016 on 27.12.2016 under Sections 120B, 420, 423, 465, 467 and 468 of the Indian Penal Code against Sofia (A-1) and Thomas Allva Edison (A-2), for quashing which, Sofia is before this Court.

2. The learned counsel for Sofia submitted that the entire transaction is a civil transaction, inasmuch as the petitioner had not alienated the share of her minor son and that the minor son is still with her.

3. Per contra, the learned Government Advocate (Criminal side) refuted the allegations.

4. On a reading of the First Information Report, it is seen
<https://hservices.ecourts.gov.in/hservices/>
that the complainant is none other than the mother-in-law of the petitioner. The petitioner was married to the son of the defacto



complainant and he died on 21.11.2013. Thereafter, it is alleged in the First Information Report that the petitioner had developed illicit intimacy with Thomas Allva Edison (A-2) and had usurped the property of the minor children by illegally entering into a sale agreement dated 29.01.2016, which has been registered as Document No.422/2016. Since there are *prima facie* materials for the investigation to proceed, this is not a fit case to quash the First Information Report, in the light of the law laid down by the Supreme Court in **AIR 1992 SC 604 [State of Haryana v. Bhajan Lal]**. Hence, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

- 1.The Inspector of Police,
The State of Tamil Nadu,
District Crime Branch,
Kanyakumari District at
Nagercoil.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SML

MAS/GT/SAR2:11.07.2017:2P-3C

Order made in
CRL.O.P. (MD) No.8158 of 2017
Dated: 30.06.2017