

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 19.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**CRL.O.P. (MD) No.9226 of 2017****and****CRL.MP. (MD) No.6273 of 2017**

1.S.Zainul Abideen
2.S.Yasmin
3.M.Shajahan

... Petitioners/Accused Nos.1 to 3

-Vs-

1. The State represented by
The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
(Crime No.35/2017)

... 1st Respondent/Complainant

2. Shajaitha Begam

... 2nd Respondent/Defacto
Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the Crime No.35 of 2017 dated 11.05.2017, on the file of the Inspector of Police, All Women Police Station, Thirumangalam, Madurai District and quash the same in so far as petitioner's concerned.

For Petitioner : Mr.G.Karnan.

For 1st respondent : Mr.K.Anbarasan,
Government Advocate (Crl.Side).**O R D E R**

This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the Crime No.35 of 2017 dated 11.05.2017, on the file of the Inspector of Police, All Women Police Station, Thirumangalam, Madurai District and quash the same in so far as petitioner is concerned.

2. Heard Mr.G.Karnan, learned counsel appearing for the petitioners and Mr.K.Anbarasan, learned Government Advocate (Crl.Side) appearing for the first respondent.



3. On the basis of the complaint given by the second respondent, a case was registered in Crime No.35 of 2017, for the offences under Sections 498(A) of IPC., and Section 4 of Dowry Prohibition Act, on the file of the first respondent police. The reading of the FIR clearly refers to serious allegations against the petitioner attracting the provisions of Dowry Prohibition Act. Hence, the case was registered against the petitioner.

4. The learned counsel for the petitioner states that the marriage between the first petitioner and the second respondent is already dissolved by a triple Talak. Further he submitted that the Jamad to which the petitioner and the second respondent were attached to have also dissolved the dispute as it is being done in several cases.

5. Considering the fact that whether the marriage was now dissolved between the petitioner and the second respondent is not an issue, which is relevant for deciding whether the criminal case registered against the petitioner is liable to be quashed or not. Though the allegations in the First Information Report are denied by the petitioner, the admissibility, truth and relevance of the documents cannot be decided without further enquiry. Hence, this Court does not find that it is a fit case to quash the First Information Report. Hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

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.

+1cc to M/S. G.KARNAN, Advocate, SR.No.66213.

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