

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.10826 of 2018

and

Crl.M.P.No.5537 of 2018

1.S.Moheswaran

2.M.Banumathi

.... Petitioners

Versus

State represented by Inspector of Police,
All Women Police Station,
Tiruvavur.

(Crime No.10 of 2017)

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records and to quash the FIR dated 25.11.2017 in Crime No.10 of 2017 on the file of the respondent police as against the Petitioners as illegal.

For Petitioners : Mr.S.Nambi Arooran

For Respondent : Mrs. P. Kritika Kamal
Government Advocate (Crl.Side)

ORDER

This petition has been filed to quash the FIR in Crime No.10 of 2017 dated 25.11.2017 on the file of the respondent police as illegal.

2.On the complaint lodged by Kalaivani, the respondent police registered a case in Crime No.10 of 2017 on 25.11.2017 for the offences under Sections 417 of I.P.C and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 506 (i) of I.P.C against Moheswaran (A1) and Banumathi (A2). Challenging which, the accused are before this Court.

3. Heard Mr.S.Nambi Arooran, learned counsel appearing for the petitioners as well as Mrs. P. Kritika Kamal, learned Government Advocate (Crl.Side) appearing for the respondent.

4.The learned counsel appearing for the petitioners/accused submitted that after registration of FIR, A1 was arrested by the respondent police and released on bail and A2 was released on anticipatory bail.

5.On reading of the complaint, it is seen that A1 is a married man and he has enticed the defacto complainant into having sexual relationship with him on account of which, she conceived and she was forced to undergo abortion. When she wanted to get justice, it is alleged that she was abducted by A1 and his gang. Thus, there are sufficient materials in the complaint for the investigation to proceed as against A1. However, this Court does not find sufficient materials as against A2 as of now.

6. The learned Government Advocate (Crl.Side) submitted that the investigation is almost completed and if reasonable time is granted, the respondent police will file the necessary report before the jurisdictional Court.

7. Recording the submission of the learned Government Advocate (Crl.Side), the respondent police is directed to complete the investigation in Crime No.10 of 2017, within a period of three months from the date of receipt of a copy of this order and either to file a closure report or Charge sheet as the case may be, under due intimation to the defacto complainant.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

klt

To

1.The Inspector of Police,All Women Police Station,
Tiruvarur.

2.The Public Prosecutor, Madras High Court, Chennai.

+1cc to Mr.S.NAMBI AROORAN, Advocate, S.R.No. 26195

Crl.O.P.No.10826 of 2018
and

Crl.M.P.No.5537 of 2018

SR(CO)

TR(24/04/2018)