

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.11796 of 2018
and Crl.MP.No.6212 of 2018

1.S.Balaji
2.S.Venkatraman
3.S.Malliga
.....Petitioners/ Accused

Vs

1.Union Territory of Puducherry
Rep.by the Inspector of Police,
Women Police Station,
Karaikal.
...Respondent/ Dejure Complainant

2.S.Saranya
...Respondents/ Defacto Complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to impugned FIR registered in Cr.No.02 of 2018 on the file of the 1st respondent namely the Sub-Inspector of Police, Women Police Station, Karaikal and quash all further proceedings.

For Petitioners :Mr.Prakash Adiapadam

For Respondents :Mr.Bharath Chakaravarthy,
Public Prosecutor (Pondicherry)
for R1

ORDER

This petition has been filed to quash the proceedings in Crime No.2 of 2018 on the file of the 1st respondent.

2.On the complaint lodged by the 2nd respondent, the 1st respondent have registered a case in Crime No.2 of 2018 on 09.03.2018 for the offences under Sections 498A, 294(b) and 506 (ii) read with 34 of IPC against the petitioners. Challenging which, this quash application has been filed.

3.Heard Mr.Prakash Adiapadm, learned counsel appearing for the petitioners as well as Mr.Bharath Chakaravarthy, learned Public Prosecutor (Pondicherry) appearing for the 1st respondent.

4.The learned counsel appearing for the petitioners submitted that the FIR does not disclose any cognizable offence and that the 2nd respondent, being a woman police constable, has influenced the police in bringing the FIR. However, on reading of the FIR, it is alleged that the 2nd respondent got married to the 1st petitioner on 23.02.2017; that the marriage was not disclosed to their parents; that the 1st petitioner kept her in a separate house and started to ill-treat her. Since there is a prima facie material against the petitioners, the FIR cannot be quashed. However, the Hon'ble Supreme Court in Arnesh Kumar Vs State of Bihar reported in [2014] 8 SCC 273 has also held that in matrimonial offences, it is a common practice to implicate all the relatives of the husband and put them to trouble. Bearing in mind the aforesaid observations of the Hon'ble Supreme Court, the investigation shall proceed dispassionately and if there are no materials as against the petitioners herein, it is needless to state that their name shall be dropped from the final report.

5.Admittedly, the petitioners are on anticipatory bail and therefore, there is no apprehension of arrest. Since the defacto complainant is a woman police constable, this Court directs the Superintendent of Police, Karaikal, to monitor the investigation in Crime No.2 of 2018 on the file of the 1st respondent police.

6.The parties may be referred to the Local Welfare Officer/Probation Officer, as the case may be, for settlement. The parties may also be referred to the local Taluk Legal Services Authority for an amicable settlement. The 1st respondent is directed to complete the investigation expeditiously and either file a final report or closure report, as the case may be. Consequently, connected Miscellaneous Petition is closed.

With the above directions, this Criminal Original Petition is closed.

Sd/-

Asst.Registrar (Audit)

/true copy/

Sub Asst. Registrar

mps

To

1.The Inspector of Police,
Women Police Station,
Karaikal.

2.The Public Prosecutor, cum Government Pleader for Pondicherry,
High Court Madras.

3.The Superintendent of Police, Karaikal.

+1cc tp Mr.Prakash Adiapadam, Advocate, sr.no.29614

+1cc to the Government Pleader, sr.no.30288

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MR(CO)

RRK(29/05/18)



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