

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.18054 of 2018
and Crl.M.P.No.9416 of 2018

1.J.Jagadeesan
2.Jeyachandran
3.Kanagi

.. Petitioners

Vs

1.State of rep. by
The Inspector of Police,
All Women Police Station,
Ashok Nagar, Chennai.

2.Rasika

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records relating to the First Information Report in Crime 5 of 2018 dated 18.04.2018 on the file of the 1st respondent, quash the same.

For Petitioners : Mr.I.Arockiaselvaraj
For Respondents : Mr.C.Raghavan
Govt. Advocate for R1

O R D E R

On the complaint lodged by Rasika, the respondent Police have registered a case in Crime No.5 of 2018 on 18.04.2018 under Section 498[A], 406, 507 and 294[b] IPC against Jagadeesan [A1], Jeyachandran [A2] and Kanagi [A3]. For quashing which, this present petition has been filed.

2.Heard Mr.Arockiaselvaraj, learned counsel for the petitioner and the learned Government Advocate appearing for the 1st respondent.

3.Mr.Arockiaselvaraj, learned counsel submitted that the 1st petitioner is ready and willing to live with the 2nd respondent and that, he has also filed an application for restitution of conjugal rights and the same is pending and that,

the 2nd respondent is not appearing.

4.Per contra, learned Government Advocate submitted that there are sufficient materials in the complaint that has been given by the 2nd respondent for a full fledged police investigation.

5.In fact, on a reading of the FIR, the de facto complainant has alleged that her SSLC mark sheet and other certificates are being illegally retained by the accused and that, she has been driven from her matrimonial home. Since there are prima facie materials for the Police to proceed with the investigation, the FIR cannot be quashed at the threshold in the light of the law laid down by the Supreme Court in State of Haryana Vs Bhajan Lal 1992 Supp [1] SCC 335. The Assistant Commissioner of Police, in charge of AWPS, Ashok Nagar is directed to monitor the investigation that is being conducted by the 1st respondent in Ashok Nagar Police Station Crime No.5 of 2018 and complete the same expeditiously and either file a closure report or a charge sheet as the case may be under due intimation to the de facto complainant.

With the above direction, this petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

gya

To

1.The Assistant Commissioner of Police,
in charge of AWPS,
Ashok Nagar, Chennai. सत्यमेव जयते

2.The Inspector of Police,
All Women Police Station,
Ashok Nagar, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.K.Sundararaj, Advocate, S.R.No.

CRL.OP.No.18054 of 2018

RJ(CO)
GSP(30/07/2018)