

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.18700 of 2018
and CRL.M.P.No.9891 of 2018

1.N.Saroja
2.N.Uma

.. Petitioners

Vs

1.The State rep. by
The Inspector of Police,
All Women Police Station,
Tiruvannamalai District.

2.A.Revathi

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the FIR in Crime No.22 of 2018 for offences under Sections 498[A] and 406 IPC as against the petitioners.

For Petitioners : Mr.C.Arun Kumar
For 1st Respondent : Mr.C.Iyyapparaj, APP

O R D E R

Revathi got married to Azhagappan 17 years back and thereafter, their marriage life ran into rough weather resulting in spouses getting estranged. Azhagappan has filed H.M.O.P.No.193 of 2017 for divorce and the same is pending on the file of the Sub Court, Tiruvannamalai. While so, Revathi gave a complaint to the 1st respondent Police and the complaint was forwarded by the Police to the District Legal Services Authority, Tiruvannamalai for bringing about a conciliation between the parties. The District Judge being the Chairman of the District Legal Services Authority, Tiruvannamalai has sent a communication dated 06.06.2018 to the 1st respondent Police directing him to register a case against Azhagappan. Whereas, the Police have registered a case in Crime No.22 of 2018 on 29.06.2018 under Section 498[A] and 406 IPC against Azhagappan [A1], Saroja [A2/mother] and Uma [A3/Sister]. For quashing which, Saroja and Uma are before this Court.

2.Heard Mr.Arun Kumar, learned counsel for the petitioner and learned Additional Public Prosecutor.

3.Mr.Arun Kumar submitted that the marriage between Revathi and Azhagappan had taken place 16 years back i.e. on 16.09.1999 and they were separated from 2009 onwards. Despite that, the Police have registered the present FIR against Saroja and Uma, ignoring the directions of the Chairman, District Legal Services Authority, Tiruvannamalai.

4.On a reading of the FIR, it is admitted by Revathi that she was married to Azhagappan 17 years back. There are no allegations worth the salt against Saroja and Uma, except saying that they exhorted Azhagappan to remarry. That is the reason why the Chairman, District Legal Services Authority had directed the 1st respondent to register a case against Azhagappan alone. Admittedly, Saroja and Uma are not living with Azhagappan, but they are living separately in Coimbatore.

5.In such view of the matter, this Court directs the Deputy Superintendent of Police, in charge of All Women Police Station, Tiruvannamalai to monitor the investigation in Crime No.22 of 2018 and expeditiously complete the same and close the case as against Saroja and Uma, unless there are other incriminating materials against them, relying upon the law laid down by the Supreme Court in Arnesh Kumar Vs State of Bihar reported in [2014] 8 SCC 273.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

gya

To

1. THE CHAIRMAN OF THE DISTRICT LEGAL SERVICE AUTHORITY, TIRUVANNAMALAI.

2.THE DEPUTY SUPERINTENDENT OF POLICE,
IN CHARGE OF ALL WOMEN POLICE STATION,
TIRUVANNAMALAI.

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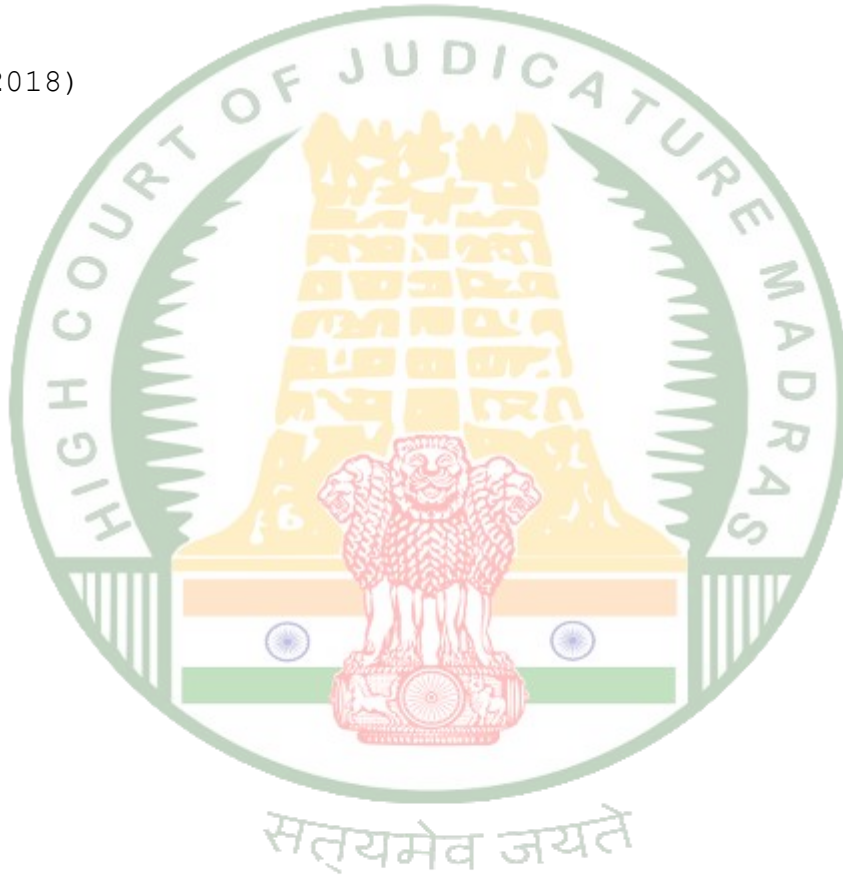
3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4.THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1cc to Mr.C.ARUN KUMAR, Advocate, S.R.No. 50490

CRL.O.P.No.18700 of 2018

KJI (CO)
TR(07/08/2018)



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