

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.19654 of 2018 and
Crl.M.P.No.10426 of 2018

M. Chander

... Petitioner

Vs

1. The State

Rep. by the Inspector of Police,
W-9 Villivakkam Police Station,
Villivakkam,
Chennai - 600 040.

2. C. Bhuvaneshwari

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Crime No.1 of 2018 on the file of the 1st respondent/complainant and quash the same.

For Petitioner : Dr.G.Krishna Moorthy
for Mr.S.StalinRaja

For R1 : Mr.C.Raghavan
Government Advocate for R1

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.1 of 2018 on the file of the 1st respondent.

2. On the complaint lodged by Bhuvaneshwari against her husband, the 1st respondent police have registered a case in Crime No.1 of 2018 on 22.02.2018 under Sections 498(A) and 506 (1) IPC against the petitioner herein, for quashing which, the petitioner is before this Court.

3. Heard Dr.G.Krishna Moorthy, learned counsel appearing for the counsel on record for the petitioner and learned Government Advocate appearing for the respondent police.

4. Dr.G.Krishna Moorthy, submitted that the FIR does not disclose the commission of cognizable offence and ordinary torment in family life has been exaggerated. However, on reading of the FIR, it is seen that the de facto complainant has alleged that the petitioner will come drunk and beat her with belt.

5. Thus, when there are prima facie materials, investigation in the FIR cannot be quashed, in the light of the law laid down by the Supreme Court in State of Haryana Vs Bhajan Lal 1992 Supp [1] SCC 335. However, the Assistant Commissioner of Police, incharge of W-9 Villivakkam Police Station is directed to monitor the investigation in W-9 Villivakkam Police Station Crime No.1 of 2018, that is being conducted by the Inspector of Police, W-9 Villivakkam Police Station, and if during the course of investigation, it is found that the allegations are false, it is needless to state that the prosecution should be closed.

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

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

gya/mkn

To

1. The Inspector of Police,
W-9 Villivakkam Police Station,
Villivakkam,
Chennai - 600 040.
2. The Assistant Commissioner of Police,
Villivakkam,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr. S. Stalin Raja, Advocate SR.54498

CRL.O.P.No.19654 of 2018

KK(CO)
EU(29/08/2018)