

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.O.P.No.25312 of 2018 and
Crl.M.P.No.14389 of 2018

1.S.Raghuvaran
2.S.Palayam

.. Petitioners/Accused 1 & 2

Vs

1.The State Rep. by
The Inspector of Police,
W-9, AWPS, Villivakkam,
Chennai.

2.R.Priyanka

... Respondents/Complainant &
Defacto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records in Cr.No.4 of 2017 on the file of the
Inspector of Police, W-9, AWPS Villivakkam Police Station,
Chennai, and quash the same.

For Petitioners : M/s.A.Dinakari

For R1 : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for
the records in Crime No.4 of 2017 on the file of the W-9 AWPS-
Villivakkam Police Station, Chennai, and quash the same.

2.For the sake of convenience, the parties will be referred
to by their name.

3.Raghuvaran got married to Priyanka on 06.02.2017 and
thereafter, their marriage ran into rough weather resulting in
the spouses getting estranged. On the complaint lodged by
Priyanka, the 1st respondent police have registered a case in
Crime No.4 of 2017 on 30.11.2017, for the offences under
Sections 498(A), 417, 294(b) and 506(i) IPC against Raghuvaran
and his mother, for quashing which, the petitioners/accused are
before this Court.

4. Heard the learned counsel for the petitioners/accused and the learned Additional Public Prosecutor, appearing for the 1st respondent police.

5. The learned counsel for the petitioners/accused submitted that the FIR is clearly an abuse of process of law, inasmuch as, the allegations made against the accused are totally false.

6. Per contra, the learned Additional Public Prosecutor refuted the contention.

7. This Court gave its anxious consideration to the rival submissions.

8. On a reading of the FIR, it is seen that the de facto complainant has alleged that after marriage, she was subjected to cruelty by her husband and her mother-in-law and she has also set out the nature of cruelty, in her complaint. She has stated that since she was dark and obese, her husband and her mother-in-law would comment on that and would taunt her.

9. Since, there are prima facie materials in the FIR, the same cannot be quashed at the threshold, in the light of the law laid down by the Supreme Court in State of Haryana v. Bhajan Lal & Others [AIR 1992 SC 604 : 1992 Supp (1) SCC 335].

In the result, this Criminal Original Petition stands dismissed, being devoid of merits. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mkn
To

1. The Inspector of Police,
W-9, AWPS,
Villivakkam,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.25312 of 2018 and
CrI.M.P.No.14389 of 2018

CSL/19.11.2018