

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.25090 of 2018
and CRL.M.P.No.14172 of 2018

1.R.Ravikumar
2.Shakila

.. Petitioners

Vs

1.The State Rep. by its
The Inspector of Police,
All Women Police Station,
Sethiyathoppu,
Cuddalore District.

2.S.Priya

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
prayed to call for the records relating to the FIR in Crime No.3
of 2018 on the file of the first respondent police, quash the
same by allowing this Criminal Original Petition.

For Petitioners : Mr.D.Muthuselvam

For Respondents : Ms.M.Prabhavathi (For R1)
Additional Public Prosecutor

O R D E R

On the complaint lodged by one Priya, the respondent Police
have registered a case in Crime No.3 of 2018 on 20.04.2018 under
Sections 494, 498(A), 109 and 506 (i) IPC against one
Balasubramaniyan and nine others.

2.It is the case of the de facto complaint that she got
married to Balasubramaniyan (A1) on 23.01.2013 and thereafter,
Balasubramaniyan and his family members were continuously ill-
treating her and subjecting her to cruelty. It is the further
allegation of the de facto complainant that the family members
of Balasubramaniyan have got him re-married to one Malathi,
knowing fully well that the marriage between the de facto
complainant and Balasubramaniyan subsist. Hence the complaint
and the consequent First Information Report.

3.Challenging the First Information Report, Shakila (A5) and
Ravikumar (A6) have filed the present quash application.

4.The learned counsel for the petitioners submitted that Shakila is the sister of Balasubramanian and Ravikumar is her husband. The learned counsel further contended that Ravikumar and Shakila are living separately and they have nothing to do with the matrimonial life of Balasubramanian. He further contended that Ravikumar is working in the Public Works Department and has been falsely implicated in the case.

5.Per contra, the learned Additional Public Prosecutor refuted the contentions.

6.Though there are no specific allegations as against Ravikumar, yet there is an allegation that all the family members had arranged the second marriage of Balasubramanian with Malathi. Hence, the First Information Report cannot be quashed at the threshold. However, in Arnesh Kumar Vs State of Bihar and another [2014 (8) SCC 273] the Hon'ble Supreme Court has noticed the tendency in matrimonial cases to implicate all the members of the family for the purpose of harassment. The respondent police is directed to bear in mind this aspect and complete a thorough investigation in the case. If during investigation, it is found that the petitioners were not involved in the offence, it is needless to state that further action against the petitioners shall be dropped.

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

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mpa/gsa
To

1.The Inspector of Police,
All Women Police Station,
Sethiyathoppu,
Cuddalore District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Muthuselvam, Advocate SR.No.74264

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CSL/08.11.2018