



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WEB COPY

CrI.O.P.(MD) .No.1703 of 2014

and

M.P.(MD) Nos.1 of 2014

and

CrI.M.P.(MD) No.1735 of 2018

1.Vincent Reynold
2.Rosebutt Reeta
3.Ester Raja

..Petitioners/Accused Nos.1 to 3

Vs.

1.The State of Tamilnadu
rep. by
The Inspector of Police,
All Women Police Station,
Theni, Theni District.
(Crime No.36 of 2013)

...1st Respondent/Complainant

2.Meenakshi @ Veronica Rosary

.. 2nd Respondent/Defacto
Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to crime No.36 of 2013 on the file of All Women Police Station, Theni District and quash the same.

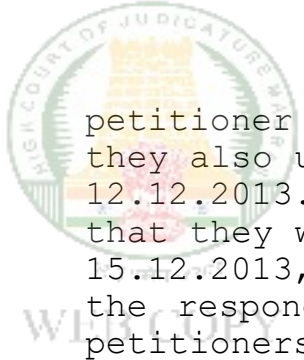
For Petitioners : Mr.S.Kameswaran

For Respondents : Mr.A.P.G.Ohm Chairma Prabhu
G.A.(CrI. Side) for R1
Mr.R.Babu Jaganath for R2

ORDER

This petition is filed to quash the FIR in crime No.36 of 2013 on the file of the first respondent.

2.The learned counsel appearing for the petitioners would submit that the marriage took place on 10.01.2007 at Bangalore. Thereafter, there was a strained relationship between the first petitioner and the defacto complainant, due to misunderstanding and due to several allegations, the defacto complainant lodged a complaint on 11.12.2013 before the Thenkarai Police Station, Periyakulam Taluk with the allegation of threatening from the first



petitioner and as such, summons was issued to the petitioners and they also undertook to appear before the Thenkarai Police Station on 12.12.2013. As such, on 12.12.2013, they appeared and undertook that they would settle the matter amicably. While that being so, on 15.12.2013, the defacto complainant lodged another complaint before the respondent police and a case has been registered against the petitioners. Thereafter, she also filed a petition before the Family Court in I.D.O.P.82 of 2013 for restitution of conjugal rights and it is pending. Therefore, the defacto complainant is in the habit of keeping on filing complaint as against the petitioners. Therefore, he prayed for quashing the FIR.

3.The learned counsel appearing for the defacto complainant/second respondent would submit that there are specific allegations as against the petitioners and so far as the other complaints are concerned, they are for other occurrences and even after filing the present complaint, the petitioners have not stopped their illegal attempt of dowry cruelty and harassment. Therefore, he prayed for dismissal of the quash petition.

4.The learned Government Advocate (criminal side) would submit that almost the investigation is over and the first respondent is yet to file charge sheet and hence, he prayed for dismissal of the petitioner.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the first respondent and also the learned counsel appearing for the second respondent and perused the materials available on record.

6.It is seen from the records that there are so many allegations as against the petitioners and there are specific allegations as against the petitioners and the first respondent police has to conduct detailed enquiry. Therefore, the FIR cannot be quashed at its threshold, that too, without even conducting any enquiry. There are so many petitions and complaint are pending as against the petitioners cannot be a ground for quashing the FIR. Therefore, this Court is not inclined to quash the FIR as prayed for by the petitioners.

7.Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are also dismissed. The first respondent police is directed to conduct a detailed enquiry and file final report, within a period of four weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(Records)

/True Copy/



To

1.The Inspector of Police,
All Women Police Station,
Theni, Theni District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.S.Kameswaran, Advocate, SR.No.90527

+1CC to Mr.R.Babu Jaganath, Advocate, SR.No.90117

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ES/RP/SAR 4/19.11.2018/3P/5C