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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P. (MD) No. 5395 of 2015

and M.P. (MD) No. 1 of 2015

1. Subramanian

2. Balaji

: Petitioners

Vs.

1. State rep. by

The Inspector of Police,
All Women Police Station,
Cr. No. 177 of 2014,
Tiruparankundram,
Madurai District.

: 1st Respondent/Complainant

2. K. Amutha

: 2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. To call for the records pertaining to Cr. No. 177 of 2014 on the file of the first respondent Police and quash the same insofar as the petitioners are concerned.

For Petitioners : Mr. K. K. Samy

For Respondent No. 1 : Mr. K. Anbarasan

Government Advocate (Cr1.side)

For Respondent No. 2 : Mr. R. Sivalingam

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No. 177 of 2014 on the file of the first respondent Police.

2. When the matter is taken up for hearing, the learned counsel appearing for the petitioners seeks permission of this Court to withdraw this Criminal Original Petition insofar as the first petitioner is concerned. He has also made an endorsement to that effect. In view of the submission and endorsement made by the learned counsel for the petitioners, the Criminal Original Petition is dismissed as withdrawn insofar as the first petitioner is concerned.

3. The second petitioner is the brother-in-law of the second respondent. The entire allegation in the First Information Report



is only against her husband and her father-in-law, who is the first petitioner. They have demanded dowry and also they refused to give back the jewels in spite of giving undertaking before the Police station.

4. The second petitioner has been roped in the First Information Report only on the ground that he along with his father had threatened the second respondent stating that she should make a statement before the Police in terms of what they are saying, failing which, the entire family will be destroyed.

5. The second petitioner is a young boy aged about 20 years and he has been unnecessarily roped in this case as an accused. The real dispute is only between the second respondent and her husband and to an extent the father-in-law, who is the first petitioner. There was no need for roping in the second petitioner as an accused by making vague allegation, in the First Information Report. It is needless to rope in the in-laws in a dispute between the husband and wife and it has been held so by the Hon'ble Supreme Court in very many judgments.

6. This Court is of the considered view that absolutely no offence has been made out against the second petitioner and the very First Information Report as against the second petitioner is an abuse of process of law.

6. Accordingly, the First Information Report stands quashed insofar as the second petitioner is concerned. It is left open to the first respondent Police to investigate the case insofar as other accused are concerned. This Criminal Original Petition is allowed to the extent as indicated above. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Inspector of Police,
All Women Police Station,
Tiruparankundram,
Madurai District.

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



+1cc to Mr.R.Sivalingam, Advocate SR.No.78878

+1cc to Mr.K.K.Samy, Advocate SR.No.78989

Gns

MK/SKN/SAR 1/04.09.2018/3P/5C

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