



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.10.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

Crl.O.P.(MD)No.18799 of 2018
and
Crl.M.P(MD) No.8390 of 2018

1. Ramakrishnan
2. Valarmathi ... Petitioners/Accused No.1 & 2
Vs.

1. The State Rep. by
The Inspector of Police
M.Pudupatti Police Station
Virudhunagar District
Crime No.36 of 2018 ...1st Respondent/Complainant

2. Muthulakshmi ...2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the FIR in Crime No.36 of 2018 on the file of the first respondent herein and quash the same as illegal.

For Petitioner : Mr.P.Balasenthil kumar
For Respondent : Mr.K.Suyambulinga Bharathi
No.1 Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No. 36 of 2018 on the file of first respondent police.

2. The learned counsel for the petitioner would submit that a reading on the First Information Report does not make out an offence under sections 294(b), 323 and 506(i) of IPC. The learned counsel would further submit that the petitioners who are arrayed as accused in the First Information Report are husband and wife. Therefore the learned counsel for the petitioner would submit that section 4 of Tamil Nadu Prohibition of Harassment of Women Act will not apply to the second petitioner.

3. The learned Government Advocate(Crl.Side) would submit that there are specific allegations that have been made against both the petitioners and the respondent police is investigating the case. He would further submit that this court cannot appreciate the factual allegations made against the petitioners in the complaint, at this stage.



4. This Court has considered the submissions made on either side.

5. It is seen from the complaint that specific overt act has been ascribed as against both the petitioners and this Court is not in a position to interfere with the First Information Report at this stage. However, taking into consideration the nature of allegations made against these petitioners and also the offences under which the First Information Report has been registered, this Court directs the respondent police to complete the investigation within a period of two months from the date of receipt of a copy of this order.

6. The Criminal Original Petition is disposed of with the above direction. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar(CS-IV)

To:

1. The Inspector of Police
M.Pudupatti Police Station
Virudhunagar District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.P.Balasenthil kumar, Advocate, Sr.No.91900

AAV

VB/PM/SAR4/04.12.2018/2P/4C

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