

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.16370 of 2019

and

CrI.M.P.No.8208 of 2019

1.Pandiyarajan

2.Malaiyappan

3.Santhi Lakshmi

.. Petitioners /Accused 1 to 3

-vs-

1.State By:

Inspector of Police,
W-26 All Women Police Station,
Ashok Nagar, Chennai.
(Cr.No.3 of 2019)

2.Priyadharshini

..Respondents/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records connected with the FIR in Crime No.3 of 2019 dated 12.03.2019 on the file of the 1st Respondent-Police Station and quash the same.

For Petitioners : Mr.S.Sathia Chandran

For Respondents : Mr.M.Mohamed Riyaz (for R1)
Additional Public Prosecutor

Mr.N.R.Kaushik (for R2)

ORDER

This petition has been filed seeking to quash the proceedings in Crime No.3 of 2019, pending investigation before the 1st respondent police.

2.The case of the prosecution is that the 1st petitioner got married to the 2nd respondent on 25.11.2018. There was a misunderstanding between the parties and the grievance of the 2nd respondent is that the 1st petitioner had a relationship with one of his male friend and the 2nd respondent was harassed and is being treated with cruelty both physically and mentally and ultimately she was also attacked with a wooden log.

3.The learned counsel for the petitioner submitted that the 1st petitioner is a Software professional working in an Information Technology Company and that a false case has been foisted against the 1st petitioner. The learned counsel further submitted that already a petition has been filed by the 1st petitioner against the 2nd respondent for divorce. The learned counsel further submitted that the 2nd and 3rd petitioners are the father-in-law and mother-in-law and against them, there are absolutely no allegations and they have been unnecessarily roped in as accused persons. The entire FIR is an abuse of process of law and is liable to be quashed by this Court, in exercise of its jurisdiction under Section 482 of Cr.P.C.

4.The learned counsel appearing on behalf of the 2nd respondent submitted that necessary allegations have been made in the complaint as against all the accused persons and therefore the respondent police will have to necessarily investigate the case since it makes out a cognizance offence. The learned counsel further submitted that the overtact has been attributed against the 1st petitioner and the 2nd and 3rd petitioners have been added as an accused due to the fact that they have abetted the crime and have also caused mental cruelty to the 2nd respondent.

5.The learned Additional Public Prosecutor on instructions submitted that the investigation is still pending and the same will be completed within a time limit that can be fixed by this Court.

6.This Court has carefully considered the submissions made on either side and the materials available on record.

7.The entire reading of the complaint shows that there are absolutely no specific allegations made against the 2nd and 3rd petitioners. They have been added as an accused only on the ground that they happened to be the parents of the 1st petitioner. The complaint contains very specific allegations against the 1st petitioner which prima facie makes out a cognizance offence. Therefore, this Court is inclined to interfere with the FIR in so far as the 2nd and 3rd petitioners and the investigation can be permitted to be continued as against the 1st petitioner.

8.In the result, the FIR in Crime No.3 of 2019 is hereby quashed only in so far as the 2nd and 3rd petitioners are concerned and this Criminal Original Petition is allowed in part to that extent. It is dismissed in so far as the 1st petitioner is concerned. The 1st respondent is directed to continue with the investigation as against the 1st petitioner and the investigation shall be completed within a period of six weeks from the date of receipt of a copy of this order and a final report or closure

report as the case may be, shall be filed before the appropriate Court. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

vs

To

1.The Inspector of Police,
W-26 All Women Police Station,
Ashok Nagar, Chennai.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Sathia Chandran, Advocate, S.R.No. 70383

CRL.O.P.No.16370 of 2019
and
CrI.M.P.No.8208 of 2019

PA(CO)
GN(30/08/2019)