

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.03.2019

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.16832 of 2017

and

Crl.M.P.No.10351 of 2017

1. Priyadharshini

2. Selvaraj

3. Chandrakala

4. Ganesan

5. Visakan

6. Prabhu @ Nagendra Prabhu

... Petitioners

Vs.

1. The State

Represented by its

The Inspector of Police

B-13, Pothanoor Police Station

Coimbatore City.

Crime No.109 of 2014

2.Ramamoorthy

... Respondents

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records of the Final Report dated 30.06.2014 in C.C.No.111 of 2016 pending of the file of the judicial magistrate No.VII coimbatore.

(Prayer is amended as per Court Order dated 20.03.2018 in Crl.M.P.No.4031 of 2018)

For Petitioner : Mr.P.G.Perumal Pandian

For R1

: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

For R2

: Mr.K.Vignesh Karthik

ORDER

This Criminal Original Petition has been filed seeking to quash the Final Report dated 30.06.2014 in C.C.No.111 of 2016.

2. The first petitioner is the wife of the second respondent, the second petitioner is the first petitioner's elder brother, the third petitioner is the first petitioner's elder brother's wife, the fourth petitioner is the first

petitioner's father and the fifth and sixth petitioners are the trainers in the Computer Centre, Coimbatore.

3. The petitioners submitted that the marriage between the second respondent and the first petitioner was solemnized on 20.02.2011 and thereafter, they were blessed with three children, namely, R.Vishnuvardhan aged about 15 years, R.Eshan Almighty aged about 10 years and R.Praful aged about 7 years. Since the second respondent neglected to maintain the first petitioner and his children, due to his habit of consuming alcohol, the first petitioner left the matrimonial home on 17.06.2013 along with her three children and filed a petition seeking for maintenance in C.M.P.No.7476 of 2013 in M.C.No.31 of 2013 on the file of the Learned Judicial Magistrate, Mettupalayam and thereby, there exists an order of interim maintenance to a tune of Rs.5,000/- under Section 125(1) of Criminal Procedure Code. However, the second respondent is paying a sum of Rs.3750/-. Similarly, the second respondent had sought for divorce in H.M.O.P.No.18 of 2014 before the Family Court, Coimbatore.

4. The petitioners further submitted that only there is difference of opinion as well as misunderstanding between the first petitioner and her husband/second respondent, but, the second respondent intending to defeat the purpose and object of the order of interim maintenance had lodged a false complaint against the first petitioner in Crime No.109 of 2014 before the first respondent, alleging that the petitioner has illicit relationship with the fifth and six petitioners by virtue of her training in the process of share market in the Computer Centre. Thereafter, a Final Report dated 30.06.2014 has been filed in the above Crime No.109 of 2014 under Sections 120(b), 294(b), 506(i) and 511 of IPC and the same has also been taken cognizance in C.C.No.111 of 2016. Therefore, the petitioners pray for quashing the said final report dated 30.06.2014.

5. It is seen from the final report that only there is a quarrel between the second respondent and the petitioners and there is absolutely no averments or allegations have been made to attract the offence under Sections 294(b), 120(b), 506(i), 511 of IPC.

6. It is also seen that all the family members have been implicated in this case and the second respondent/defacto complainant is none other than the own husband of the first petitioner.

7. The second respondent lodged the above complaint only in order to wrick vengeance as against the petitioners and he is facing so many proceedings initiated by the first petitioner

herein. It is nothing but clear abuse in process of law, as such, the entire proceedings cannot be sustained as against the petitioners.

8. Considering the facts and circumstances of the case, this Court is inclined to quash the Final Report dated 30.06.2014 as against the petitioners.

9. Accordingly, this Criminal Original Petition is allowed and the Final Report dated 30.06.2014 in C.C.No.111 of 2016 is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

raja
To

1. The Judicial Magistrate No.VII,
Coimbatore.
2. Do thro The chief Judicial Magistrate
coimbatore District
3. The Inspector of Police
B-13, Pothanoor Police Station
Coimbatore City.
Crime No.109 of 2014.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Vignesh Karthik, Advocate, S.R.No.23705
+2 Ccs to Mr.Ganesh Babu, Advocate sr 24166(03/05/2019)

CrI.O.P.No.16832 of 2017
and
CrI.M.P.No.10351 of 2017

EV(CO)
CB(22/04/2019)

WEB COPY