



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2019

CORAM:

**THE HONOURABLE MR.JUSTICE N.SESHASAYEE**

**Cr1.O.P. [MD]No.3598 of 2019**

**and**

**Cr1.M.P. (MD)No.2077 of 2019**

B.Kuraisha

: Petitioner

Vs.

1.State represented by

The Inspector of Police,  
District Crime Branch Police Station,  
Thiruchi District,  
In Crime No.17 of 2018

2.C.Baskaran

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the complaint filed in Crime No.17 of 2018 pending on the file of the first respondent.

For Petitioner : Mr.A.Raja

For R-1 : Mr.A.P.G.Ohm Chairma Prabhu

### ORDER

The petitioner is the second accused in Crime No.17 of 2018 pending investigation by the first respondent for the offences under Sections 417, 42 and 506(1) IPC r/w Section 34 IPC. He has preferred this petition to quash the above said case.

2. The learned counsel for the petitioner submitted that on a complaint filed by the second respondent, a case has been registered against one Stephen, who is arrayed as first accused and the petitioner herein. The entire text of the allegation in the FIR is to the effect that the said Stephen made representation that he would secure job through Teacher Recruitment Board and Tamil Nadu Public Service Commission and enticed the petitioner and several others to part with substantial sums of money. In all these actions, the role attributed to the petitioner is that she was present. There is no specific overt act attributed to the petitioner that she has received the sum stated in the FIR. She is an alien to the entire crime and she has unnecessarily been dragged in. The learned counsel further added that the petitioner has been described as wife of the first accused in the FIR but she is a victim of the first accused in the sense the first accused has already married two persons, both of who are still living, and



these matrimonial relationship still subsists, and suppressing the said fact the first accused enticed the petitioner into believing that he was an eligible bachelor and accordingly he can marry the petitioner.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the first respondent and perused the FIR.

4. A reading of the FIR reveals that there is no considerable references to the present petitioner in the body of the FIR and her actual role played in the alleged crime would reveal only during investigation. At this point of time, it would not be proper to quash the FIR, hence, this Court dismisses the present criminal original petition. However, if the petitioner so desires and considers strategically advisable, she may part with such necessary information as may aid the Investigating Agency for unravelling the crime that they are now investigating. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

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To

- 1.The Inspector of Police,  
District Crime Branch Police Station,  
Thiruchi District.
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

**Crl.O.P. [MD]No.3598 of 2019**  
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TR (29.03.2019) 2P 3C