



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.(MD).No.4035 of 2019

and Crl.M.P.(MD).No.2409 of 2019

Thanushkodi

.. Petitioner/Sole Accused

Vs.

1.The State

Rep. by the Inspector of Police,
Valliyoore Police Station,
Tirunelveli District.
(Crime No.54 of 2019)

.. Respondent/Complainant

2.Sudalaimani

.. Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records in connection with the impugned FIR in Crime No.54 of 2019 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.S.Thalaimutharasu

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu

Government Advocate (Crl. Side) for R1

O R D E R

This petition has been filed by the petitioner seeking to quash the impugned FIR in Crime No.54 of 2019, on the file of the 1st respondent.

2.The case of the prosecution is that the marriage between the petitioner and the 2nd respondent's daughter was solemnized on 03.06.2011 and from the date of marriage onwards the petitioner and his family members harassed the 2nd respondent's daughter by demanding more dowry and drove away her from the matrimonial home. Thereafter, the petitioner filed O.P.No.651 of 2018 seeking divorce which is pending before the Family Court, Chennai. But, he has not appeared for hearing before the Court. Further, the petitioner has not appeared for enquiry even after receipt of summons in the complaint lodged by the second respondent's daughter under the Domestic Violence Act. Hence, the Social Welfare Officer directed the second respondent to gather information about the petitioner's income and assets. Accordingly, on 18.02.2019 when the second respondent came to the petitioner's village in order to gather information, the petitioner scolded him with filthy language and threatened him with dire consequences by showing a sickle. Hence, the present case has been registered against the petitioner for the offences



punishable under Sections 341, 294(b) and 506(ii) of IPC.

3.The learned counsel appearing for the petitioner would submit that it is purely a matrimonial dispute. Due to which, the petitioner filed a petition, for divorce. Therefore, in order to harass the petitioner, this complaint has been lodged before the respondent police and the respondent police also, without conducting any preliminary enquiry, had registered the FIR in Crime No.54 of 2019. Hence, he prays to quash the FIR registered against the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the investigation is pending.

5.Considering the fact that the FIR discloses the cognizable offence against the petitioner and also considering the Judgment of the Hon'ble Apex Court in **State of Haryana and others vs. Bhajan Lal and others [1992 Supp. (1) SCC 335]**, wherein it has been dealt with elaborately under what circumstances FIR can be quashed, this Court is of the view that the present case on hand does not fall within the parameters laid down by the Hon'ble Apex court in the above decision and no fresh materials are produced before this court.

6.Hence, this Criminal Original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Inspector of Police, Valliyoor Police Station, Tirunelveli District.

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

TM

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