



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

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THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.5464 of 2019
and
Crl.MP(MD)No.3443 of 2019

John Keerthi .. Petitioner/Accused No.3
Vs
1. State Rep. By
The Inspector of Police,
All Women Police Station,
Usilampatti, Madurai District.
(Crime No.5 of 2019) .. 1st Respondent/Complainant
2. Kanimozhi .. 2nd Respondent/Defacto
Complainant

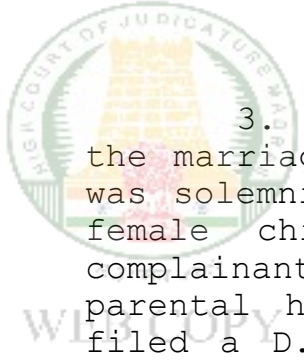
Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned FIR made in Crime No.5 of 2019 on the file of the first respondent and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.D.Sadiq Raja
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)
For R2 : Mr.Veera Kathiravan, Senior Counsel
for M/s.M.S.Jeyakarthick

O R D E R

The Criminal Original Petition has been filed to quash the FIR in Crime No. 5 of 2019 on the file of the first respondent police.

2. case of the prosecution is that the defacto complainant/second respondent is the wife of the first accused. The marriage between the first accused and the defacto complainant was solemnized in the year 2012. They blessed with one female child. Thereafter, the first accused along with the second accused and the petitioner/A3 demanded more dowry from the defacto complainant/second respondent and attacked her. The first accused had a illegal intimacy with the petitioner/A3. Hence, she was implicated in this case. Thereby, the petitioner's brother-in-law filed this quash petition before this Court.



3. The learned counsel for the petitioner would submit that the marriage between the first accused and the defacto complainant was solemnized in the year 2012. Thereafter, they blessed with one female child. After the birth of female child the defacto complainant left from her matrimonial home and live with her parental home 2012 itself. Subsequently, the defacto complainant filed a D.V.O.P and maintenance case before the learned Judicial Magistrate Court, Nilakottai and the same is pending. There is no specific allegations stated in the above said petition against the petitioner/A3. Accordingly, she prays to quash the FIR.

4. The learned Government Advocate (Crl.Side) would submit that the investigation is still pending and final report would be filed as soon as the investigation is completed.

5. Considering the facts and circumstances of the case on bare perusal of the FIR discloses the cognizable offence against the petitioners and further in respect of quashing the First Information Report elaborately discussed by the Hon'ble apex Court in State of Haryana and others vs. Bhajan Lal and others [1992 Supp. (1) SCC 335], this case does not fall in the parameter laid by the Hon'ble apex court, and no fresh materials are produced before this court.

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

Sd/-

Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

1. The Inspector of Police,
All Women Police Station,
Usilampatti, Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.SADIQ RAJA, Advocate (SR-60439[F] dated 11/04/2019)

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate(SR-60665[F] dated 12/04/2019

Crl.O.P.No.5464 of 2019
and

Crl.MP (MD) No.3443 of 2019

CS (MK) : 10/05/2019/3P