



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P. (MD) No.5726 of 2019
and
Crl.M.P. (MD) No.3611 of 2019

1.R.Krishnapriya
2.S.Radha Krishnan
3.R.Padhma
4.R.Ajith Kumar

... Petitioners

Vs.

1.State Rep. through
The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.
(Crime No.5/2019)

2.Kanimozhi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned FIR in Crime No.5 of 2019 on the file of the first respondent and quash the same in respect of the petitioners herein.

For Petitioners : Mr.P.R.Prithiviraj

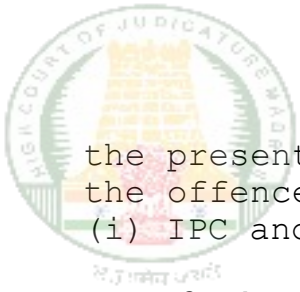
For R1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Criminal side)

For R2 : Mr.V.Kathirvelu
Senior Counsel
for Mr.M.S.Jeya Karthick

O R D E R

This petition has been filed to quash the proceedings in Crime No.5 of 2019, on the file of the first respondent, in respect of the petitioner herein.

2.The case of the prosecution is that the petitioners are A4 to A7. The marriage between A1 and the de-facto complainant was performed in the year 2012. In the said wedlock, they blessed with one female child. Thereafter, the de-facto complainant was harassed by the accused persons viz., A1 to A3. Further, the de-facto complainant came to know that A1 performed marriage of A4 with the blessings of his parents as well as the parents of A4 and therefore,



the present case has been registered against the accused persons for the offences punishable under Sections 498-A, 406, 323, 494, and 506 (i) IPC and Section 4 of Dowry Prohibition Act, 1961.

3.The learned counsel appearing for the petitioners submitted that the first petitioner/A4 is working as Academic Co-ordinator in the School run by A1 and the family members and there is no matrimonial life as alleged by the second respondent/de-facto complainant. Further, the petitioners 2 to 4/A5 to A7, who are the parents and brother of A4, are nothing to do with the alleged offence and therefore, the learned counsel prayed for quashing of FIR in respect of the petitioners herein.

4.The learned Senior Counsel appearing for the second respondent/de-facto complainant submitted that already, this Court dismissed the quash petition in respect of A3, vide CrI.O.P.(MD) No.5464 of 2019, dated 11.04.2019. The specific allegation against the petitioners is that they arranged marriage of A4 with A1 and it has to be investigated in a proper manner and interfering with the FIR at this stage does not arise.

5.The learned Government Advocate (Criminal side) submitted that investigation will be conducted in a proper manner and if no offence has been made out against the petitioners, their names will be deleted in the course of investigation.

6.Considering the facts and circumstances of the case and since the FIR discloses commission of cognizable offence, the same cannot be quashed in the light of the law laid down by the Hon'ble Apex Court in **State of Haryana Vs. Bhajan Lal** reported in **1992 (1) SCC 335**. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// 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.M.S.JEYAKARTHIK, Advocate (SR-61870[F]
dated 23/04/2019)

+1 CC to M/s.P.R.PRITHIVIRAJ, Advocate (SR-61869[F] dated
23/04/2019)

CrI.O.P. (MD)No.5726 of 2019

22.04.2019

DS/ /SAR- (02.05.2019) 3P 5C