

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 10.06.2019****CORAM****THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN****CRL OP(MD).No. 6656 of 2019****and CRL MP(MD) No. 4476 of 2019**

1. N. Pandi
2. M. Nagamalaiyan
3. N. Rajesh Kannan
4. M. Rajendran
5. Pounraj

... Petitioners/Accused No.1 to 5

Vs.

1. The State Rep. by
The Sub-Inspector of Police,
All Women Police Station,
Thirumangalam, Madurai District.
(Crime No.38 of 2018). ... 1st Respondent/Complainant

2. B. Vidhya ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records pertaining to the above First Information Report in Crime No.38 of 2018, on the file of the first respondent police and quash the same.

For Petitioners	:	Mr.C. Gangai Amaran
For Respondent-1	:	Mr.R. Suyambulinga Bharathi
		Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.38 of 2018.

2. The learned counsel for the petitioners would submit that the petitioners are arrayed as Accused Nos.1 to 5 in Crime No.38 of 2018 for the offences under Sections 498A, 406, 294(b) & 506(i) of I.P.C. He would further submit that, earlier the 2nd respondent has given a complaint against the petitioners before the Tirumangalam Town Police Station and a case was registered in Crime No.265 of 2018 on 05.06.2018. Now, once again, the second respondent has given the present complaint for the same set of facts before the 1st respondent police and hence, the same is not



3. Heard the learned Government Advocate (Criminal Side).

4. On perusal of the First Information Report in Crime No.265 of 2018, it is seen that, on 29.05.2018, the 1st petitioner trespassed into the house of the 2nd respondent/defacto complainant, beaten her and also abused her with filthy language. Hence, the second respondent has given a complaint, based on the which, a case was registered for the offence under Sections 294(b), 323, 506(i) & 109 of I.P.C and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002 against the petitioners. But, the present complaint has been given on the ground that the petitioners have demanded dowry and also threatened her with dire consequences, which was registered in Crime No.38 of 2018 for the offences under Sections 498(A), 406, 294(b), 506(i) of I.P.C. Both the complaints are filed on different cause of action, not on the same set of facts.

5. The complaint given by the second respondent discloses the commission of cognizable offence and hence, there is no reason to interfere with the First Information Report and to quash the same. Hence, no merits in the Criminal Original Petition.

6. In fine, the Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

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To

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

+1CC TO MR.C.GANGAI AMARAN, Advocate Sr. No. 68618

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SMV (CO)

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