



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.09.2019
CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

Crl.O.P (MD) No.18053 of 2014
and
M.P. (MD) No.1 of 2014
and
Crl.M.P. (MD) No.9792 of 2017

1.Mohamed Hussain

2.Mariyam Beevi

3.Gosegani

4.Mubarak

5.Ummul Kayar ... Petitioners/Accused No.1 to 5

Vs.

1.The State rep., by
The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.
(Crime No.4 of 2014) ... 1st Respondent/Complainant

2.M.Ayesha Jenuba Fathima ... 2nd Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the FIR in Crime No.4 of 2014 on the file of the first respondent police and quash the same as illegal.

For Petitioner : Mr.J.Sulthan Basha
for M/s.Ajmal Associates

For R1 : Mr.A.Robinson
Government Advocate (Crl.side)

For R2 : No appearance

ORDER

The petitioners stand accused in Crime No.4 of 2014 registered on the file of the All Women Police Station, Kovilpatti for the offences under Sections 498(A) and 406 of IPC.



2. The first petitioner got married to the defacto complainant/R2 herein on 03.06.2012.

3. The case of the defacto complainant is that the first petitioner was not capable of consummating the marriage. The defacto complainant and the first petitioner got separated on 23.06.2012 itself. The first petitioner filed O.S.No.05 of 2014 before the District Munsif Court, Tirunelveli against the defacto complainant seeking restitution of conjugal rights. After receiving notice in the suit, the present FIR was lodged on 31.05.2014. The second respondent has been served and her name is printed in the cause list. But, there is no appearance on her behalf.

4. The petitioners' counsel, on instructions, states that the second respondent/defacto complainant got married to one Mohammed Ajmal on 27.12.2015. He produced a copy of the photo published in Thinathanti dated 30.12.2015.

5. It is also seen from the records that all the articles of the second respondent/defacto complainant have been returned and receipt also issued. This Court therefore can come to the safe conclusion that FIR was registered as a counter blast following the filling of suit for restitution of conjugal rights by the first petitioner herein. Since the defacto complainant has gone her independent ways, I am of the view that no purpose will be served in keeping the FIR alive. In order to secure the ends of justice, the impugned FIR is quashed. This criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

/TRUE COPY/

Sub Assistant Registrar

rmi

To

- 1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KOVILPATTI, THOOTHUKUDI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

Crl.O.P (MD) No.18053 of 2014
17.09.2019

JM/11.10.2019/2P/3C