



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL OP (MD) . No.22323 of 2015

and

M.P. (MD)No.1 of 2015

WEB COPY

Sethammal ... Petitioner/Accused No.4
-Vs-

1.State Rep. By
The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
(Crime No.53 of 2014) ...1st Respondent/Complainant

2.Velammal ...2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in FIR in Crime No.53 of 2014, pending on the file of the All Women Police Station, Thirumangalam, Madurai District and quash the same insofar as the petitioner concerned.

For Petitioner : Mr.Govindarajan
For Respondents : Mr.A.Robinson
Govt. Advocate (Crl. Side) for R1
: No appearance for R2

ORDER

The petitioner herein is figuring as A4 in Crime No.53 of 2014, on the file of All Women Police Station, Thirumangalam. The defacto complainant is the second respondent herein. The second respondent got married to one Sakthivel some 8 ½ years prior to the registration of the FIR. The second respondent would allege that the petitioner who is working as a woman police constable is living with her husband/Sakthivel. She would also claim that she was subjected to other forms of cruelty. Hence, she lodged a complaint on 08.10.2014, leading to registration of Crime No.53 of 2014, for the offences under Sections 498(A), 406, 294(b), 497 and 506(i) of I.P.C. To quash the same, this criminal original petition has been filed.

2.Though the defacto complainant has been served and her name is printed in the cause title, there is no appearance on her behalf today.

3.The petitioner's counsel states that the petitioner is the wife of one Adhinarayanan and that she has nothing to do with
<https://hcservices.ecourts.gov.in/hcservices/>



Sakthivel, the husband of the second respondent herein. She would also point out that the offence under Section 498(A) of I.P.C., will be attracted only against the husband or relative of the husband of the woman concerned.

4. In this case, the petitioner cannot be said to be relative of Sakthivel, the husband of the second respondent herein. The learned counsel appearing for the petitioner places reliance on the decision reported in **[(2009) 6 SCC 757 (U.Suvetha V. State)]**. The Honourable Supreme Court held as follows:-

''18. By no stretch of imagination a girl friend or even a concubine in an etymological sense would be a 'relative'. The word 'relative' brings within its purview a status. Such a status must be conferred either by blood or marriage or adoption. If no marriage has taken place, the question of one being relative of another would not arise''

5. Applying the ratio laid down above, no criminal proceeding will lie against the petitioner herein at the instance of the second respondent herein.

6. In this view of the matter, the impugned FIR stands quashed as against the petitioner herein. The criminal original petition stands allowed. It will of course remain as against the other accused. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

The Inspector of Police,
All Women Police Station,
Thirumangalam, Madurai District.

Copy to: The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.RAVI, Advocate (SR-104379[F] dated 11/12/2019)

Crl.O.P. (MD)No.22323 of 2015

AP(05/06/2020) 2P 4C