



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.9567 of 2017

and

Crl.M.P.(MD) No.6528 of 2017

- 1) John Singh
- 2) Stalin
- 3) Brailin

... Petitioners/Accused Nos.3,5 & 6

Vs.

- 1) The State rep. by
The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
Cr.No.20 of 2017

... Respondent/Complainant

- 2) Jenusha

... R-2/De facto Complainant

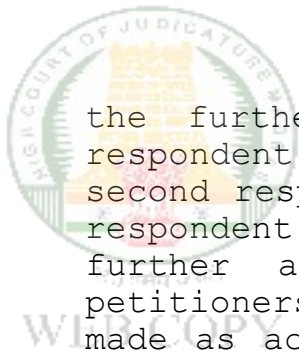
PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the First Information Report in Crime No.20 of 2017 dated 21.06.2017 on the file of the Inspector of Police, All Women Police Station, Nagercoil, Kanyakumari District and quash the same as illegal and devoid of merits.

For Petitioner	:	Mr.S.Ramakrishnan
For R-1	:	Mr.M.Chandrasekaran, Additional Public Prosecutor
For R-2	:	Mr.L.George Paul Anto

O R D E R

This Criminal Original Petition has been filed seeking to quash the F.I.R. in Crime No.20 of 2017 pending investigation on the file of the first respondent police against the petitioners, ranked as A-5 and A-6 (1st Petitioner/A-3 has already withdrawn the Crl.O.P.).

2. The case of the prosecution is that A1 got married with the second respondent, who is the *de facto* complainant in the year 2016 and there was a dispute since it is alleged that A1 was impotent and is incapable of consummating the marriage. When this was questioned, the *de facto* complainant is said to have been abused by her father-in-law and mother-in-law, who have been added as A-2 and A-3. It is



the further allegation made in the complaint that the second respondent was treated with cruelty in the matrimonial home and the second respondent was left with her parents. Thereafter, the second respondent was not taken back to the matrimonial home. It is the further allegation that there was a demand for dowry. The petitioners (A-5 & A-6) are the relatives of A-1 and they have been made as accused only on the ground that they were also present at the time when the family of A-1 came and asked for marriage to the parents of the second respondent.

3. Heard the learned counsel for the petitioners and the learned counsel appearing on behalf of the second respondent and also the Additional Public Prosecutor appearing on behalf of the respondent police.

4. The entire reading of the complaint does not make out any offense as against the petitioners (A-5 and A-6). They have been roped in only on the ground that they are the relatives of A-1 and they had also come at the time when the second respondent was asked for marriage to her parents. Continuation of the criminal proceedings against the petitioners is an abuse of process of law and it requires the interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

5. In the result, the F.I.R. in Crime No.20 of 2017 pending on the file of the first respondent police is hereby quashed insofar as the petitioners (A-5 and A-6) are concerned. The respondent police is directed to continue further with the investigation and complete the same within a period of three(3) months as against the other accused persons and file the final report or closure report, as the case may be, before the competent Court.

6. With these directions, this Criminal Original Petition is allowed. Consequently, connected Crl.M.P.(MD) No.6528 of 2017 is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District.



2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.S. RAMAKRISHNAN, Advocate (SR-100186[F] dated
21/11/2019)

+1 CC to Mr.L.GEORGE PAUL ANTO, Advocate (SR-100761[F] dated
22/11/2019)

Order made in
Crl.O.P. (MD) No.9567 of 2017
20.11.2019

MK (03.01.2020) 3P 5C