



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.12.2019**

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P. (MD)No. 18346 of 2019

and Crl.M.P. (MD) Nos. 10789 & 10790 of 2019

WEB COPY

1. Fathimanooch
2. Mohamed nooh

... Petitioners/A-2 & A-3

Vs

1. State rep by its
Inspector of Police,
AWPS Marthandam,
Kanyakumari P.S.

...1st Respondent / Complainant

2. Sumaiyabeevi

...2nd Respondent / Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the case pending investigation in Crime No.57 of 2019 on the file of the first respondent police and quash the same as against the petitioners.

For Petitioners : Mr. C. Sangamithirai
For R-1 : Mrs. S. Bharathi,
Government Advocate (Crl. side)

ORDER

The Criminal Original Petition has been filed to quash the FIR in Crime No.57 of 2019 on the file of the first respondent police as against the petitioners.

2. The learned counsel appearing for the petitioners would submit that the petitioners are in-laws and the defacto complainant immediately after marriage had left to Abudhabi with her husband and at no point of time she had live together along with the petitioners and the complaint has been given only as a counter blast as against the complaint given by the son of the petitioners on 03.04.2019 seeking for reunion with the second respondent.

3. The learned Government Advocate (crl. Side) appearing for the respondent police would submit that there are specific allegations against the petitioners and that the case is only at the stage of investigation. She would also submit that all that the Court has to see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. She would also rely upon a Judgment of Hon'ble Supreme Court in **Crl. Appeal No. 1817 of 2019, M. Jayanthi Vs. K.R. Meenakshi & Another**, and further submit that at the stage of investigation, the Court cannot conduct detailed enquiry into the validity of the evidence available.



4. Perused the materials available on record.

5. It is seen from the First Information Report that there are specific allegation as against the petitioners, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Further, it cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating machinery has to step in to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

6. In view of the above, this Court is not inclined to quash the FIR. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are also dismissed. However, the first respondent is directed to complete the investigation and file final report, within a period of **Three Months** from the date of receipt of copy of this Order, before the jurisdictional Magistrate. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police,
AWPS Marthandam, Kanyakumari P.S.

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

+1 CC to M/s.C.SANGAMITHIRAI, Advocate (SR-103954[F]
dated 09/12/2019)

Crl.O.P.(MD)No.18346 of 2019

06.12.2019

SMA/31/01/2020/2P/4C