

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.26732 of 2014
and M.P.No.1 of 2014

Kanagarathinam

...Petitioner/1st Accused

-VS-

1.State rep. by
The Inspector of Police,
All Women Police Station,
Sooramangalam,
Salem District.
Crime No.24 of 2014.

2.A.Shanmuga Priya

...Respondents/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for the records in respect of the FIR registered by the 1st respondent in Crime No.24 of 2014 and quash the same.

For Petitioner : Mr.R.Nalliyappan
For Respondents : Mr.R.Ravichandran
Government Advocate
(Crl.side) for R1.
Mr.R.Vivekanandan for R2.

सत्यमेव जयते

O R D E R

The 1st respondent registered a case against the petitioner based on the complaint given by the 2nd respondent in Crime No.24 of 2014. The petitioner was arrayed as A1 in this complaint. Pending investigation, the petitioner has filed the present petition invoking Section 482 Cr.P.C., to quash the complaint.

2.The learned counsel for the petitioner would submit that he is only the father-in-law of the 2nd respondent and he is now aged about 63 years. The learned counsel further submitted that he had also filed a civil suit as against the 2nd respondent. He

further submitted that the petitioner's son got divorce and he has the custody of the child. Even prior to filing of this complaint, there is exchange of notice between the petitioner's son and the 2nd respondent, which shows that a false case has been foisted against the petitioner.

3.The learned Government Advocate (Crl.side) would submit that since Stay was granted by this Court, they could not complete the investigation. He further submitted that only investigation would reveal the truth.

4.Heard the learned counsels on either side and perused the records.

5.Admittedly, the petitioner is the father-in-law of the 2nd respondent. It is also an admitted fact that the petitioner's son and the 2nd respondent got divorce and they were living separately. However, on perusal of the FIR, there are prima facie allegations as against this petitioner. Whether the petitioner has involved in the offence or not, whether the child was under the custody of the 1st petitioner's son or not, will all be revealed only after investigation by the respondent Police.

6.Under such circumstances, this Court does not find any merits to quash the complaint invoking Section 482 Cr.P.C. Accordingly, this Criminal Original Petition is dismissed. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rm

To:

1.The Inspector of Police,
All Women Police Station,
Sooramangalam, Salem District.
Crime No.24 of 2014.

2.The Public Prosecutor, High Court, Madras.

Crl.O.P.No.26732 of 2014

SVI (CO)
RPP (20/05/2020)