

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.26828 of 2014 and
M.P.No.1 of 2014

1. M.Madurai
2. Rani
3. Jamuna @ Yamunadevi
4. Prem

... Petitioners/Accused 1 to 4

Vs.

1. State of Tamilnadu Police rep by
The Inspector of Police,
S-10, Pallikaranai Police Station,
Pallikaranai, Chennai.
Cr.No.1369 of 2014

2. Elumalai

... Respondents/complainant/
defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the entire records comprised in Crime No.1369 of 2014 pending on the file of the Inspector of Police S-10, Pallikarnai Police Station, Pallikarnai, Chennai, and quash the same.

For Petitioners : Mr.Vimal B.Crimson
For Respondents : Mr.R.Ravichandran
Govt. Advocate (CrI.Side) for R1

ORDER

Based on the complaint given by the second respondent, the first respondent police registered a case against the petitioners in Cr.No.1369 of 2014. During pendency of investigation, the petitioners have approached this Court seeking to quash the above case against them.

2 Learned counsel appearing for the petitioners would submit that marriage between the first petitioner and deceased daughter of the second respondent was solemnized on 20.02.2003.

Subsequently, due to difference of opinion, the deceased daughter of the second respondent left matrimonial home and hence the first petitioner filed petition for divorce and the same was granted with the consent of the deceased and they were living separately. On the date of committing suicide by the deceased, the marriage between the first petitioner and the deceased was not in force and the same was already dissolved. Suppressing all the above facts, the second respondent has filed the present false complaint against the petitioners and the same is liable to be quashed.

3 The learned Government Advocate (Crl.Side) appearing for the first respondent police would submit that because of the order of stay granted by this Court, the first respondent police could not proceed with the investigation.

4 Heard the learned counsel appearing on either side and perused the materials available on record.

5 On a careful perusal of the FIR, there are allegations and also the petitioners made cruelty during pendency of divorce petition. Further in the FIR, it was stated that the first petitioner and the daughter of the second respondent had lived together and during that period the petitioners made cruelty, which instigated the deceased to commit suicide. Considering the facts and circumstances of the case and the fact that whether on the date of committing suicide by the deceased, the deceased and the first petitioner have lived together or not is a matter for trial, this Court is not inclined to invoke power under Section 482 of Cr.P.C. and quash the case against the petitioners.

6 Accordingly, this criminal original petition stands dismissed. Consequently connected miscellaneous petition is closed. However, since the above case is pending from the year 2014, the first respondent police is directed to complete investigation in Cr.No.1369 of 2014 and file a charge sheet within a period of three months from the date of receipt of a copy of this order.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

cgi

To

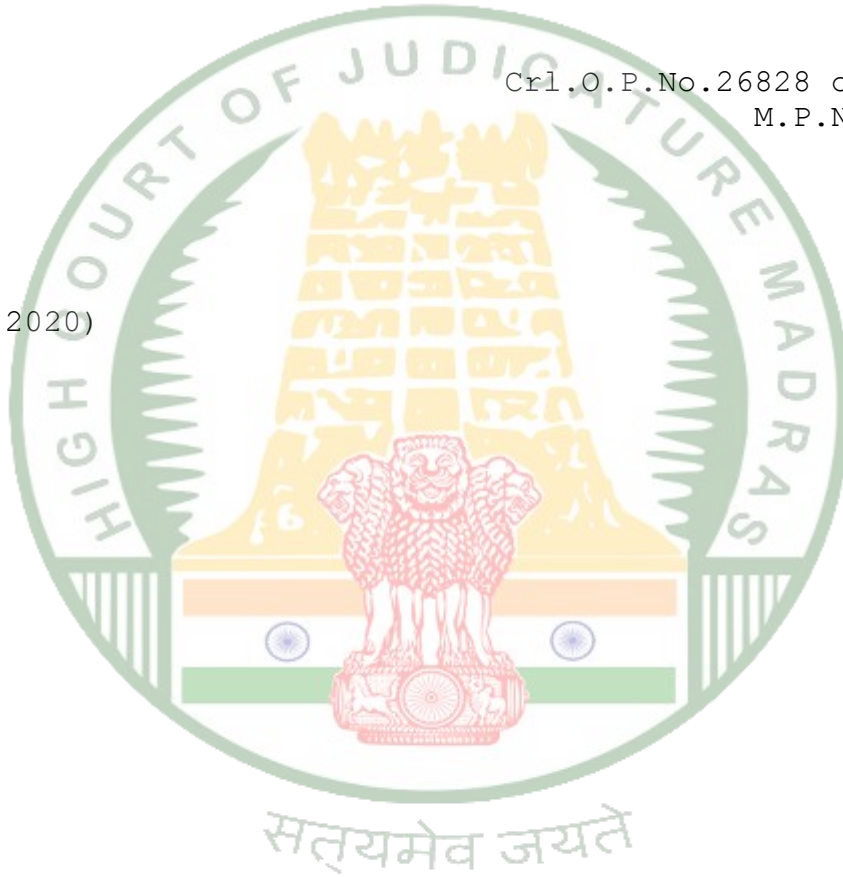
1. The Inspector of Police,
S-10, Pallikaranai Police Station,
Pallikaranai, Chennai.
Cr.No.1369 of 2014

2. The Public Prosecutor,
High Court of Madras.

+2cc to Mr.Vimal B.Crimson, Advocate (SR.No.13678)

Crl.O.P.No.26828 of 2014 and
M.P.No.1 of 2014

CP (CO)
BRI (21.05.2020)



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