

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.NoS.19340 & 2521 of 2014

and M.P.Nos.1 & 1 of 2014

1.N.Sundaresan,
2.Padmavathy,
3.B.Nagarajan,

...Petitioners in
Crl.O.P.No.19340 of

2014

4.Lakshmidevi,
5.Gunasekaran,
6.Yasodha.

...Petitioners in
both Crl.O.Ps.

-Vs-

1.The Commissioner of Police,
Vepery,
Chennai.

2.The Inspector of Police,
W-20, All Women Police Station,
Saidapet,
Chennai.

...Respondents in
Crl.O.P.No.19340 of 2014

3.The Inspector of Police,
W27, All Women Police Station,
Vadapalani,
Chennai.
(Crime No.2/2013).

4.Uthami
W/o.Jeyakumar.

... Respondents in
both Crl.O.Ps.

Crl.O.P.No.19340 of 2014: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in relation to the Crime No.2 of 2014 pending on the file of the 2nd respondent and quash the same.

Crl.O.P.No.2521 of 2014: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in relation to the Crime No.2 of 2013 pending on the file of the 2nd respondent and quash the same.

For Petitioner : Mr.N.Umapathi
For R1 to R3 : Mr.R.Ravichandran
Government Advocate (Crl.side)
For R4 : No appearance.

COMMON ORDER

The respondents 1 to 3 registered a case as against the petitioners based on the complaint given by the 4th respondent for the offence under Sections 13(1)(i-a) of the Hindu Marriage Act, in Crime No.2 of 2014, on the file of the Inspector of Police, W20, All Women Police Station, Saidapet, Chennai. During investigation, the petitioners have filed the present petition seeking to quash the F.I.R in Crime No.2 of 2014.

2.The learned counsel for the petitioners would submit that initially the daughter of the 4th respondent/defacto complainant, had lodged a complaint dated 08.11.2013 before the Inspector of Police, All Woman Police Station, Vepery, Chennai, and she herself withdrawn the complaint on 11.11.2013. After withdrawing the complaint, her mother has lodged the present complaint. Even in that complaint, there are no specific allegations as against these petitioners. The 1st petitioner is the bridegroom, 2nd petitioner is the mother of 1st petitioner, 3rd petitioner is the father of 1st petitioner and 4th petitioner is the sister of the 1st petitioner, the 5th and 6th petitioners are the in-laws of 4th petitioner. After marriage, the 4th petitioner is residing at her matrimonial home along with her in-laws and they were no way connected with the alleged offence mentioned in the complaint. Therefore, the F.I.R. is liable to be quashed.

3.The learned Government Advocate (Crl.side) would submit that in the complaint, there are specific allegations as against these petitioners. Only investigation would reveal the truth. Therefore, the petition has to be dismissed.

4.None appears on behalf of the 4th respondent/defacto complainant. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) and perused the materials on record.

5.On reading of the F.I.R., prima facie there are allegations as against these petitioners. Further more, the F.I.R. is not an encyclopedia and whether the averments in the F.I.R. are true or not, will be revealed only after the investigation. Therefore, this Court is not inclined to quash

the F.I.R. at this stage.

6.The petitioners 4 to 6 have filed a separate petition in CrI.O.P.No.2521 of 2014 to quash the F.I.R in Crime No.2 of 2013, with the very same set of facts and grounds.

7.Accordingly, these Criminal Original Petitions are dismissed. The 2nd respondent Police is directed to proceed further and complete the investigation and file a final report. Connected miscellaneous petitions are also dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

- 1.The Commissioner of Police,
Vepery,
Chennai.
- 2.The Inspector of Police,
W-20, All Women Police Station,
Saidapet,
Chennai.
(Crime No.2 of 2014)
- 3.The Inspector of Police,
W27, All Women Police Station,
Vadapalani,
Chennai.
(Crime No.2/2013).
- 4.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.N.Umapathi Advocate sr11350
CrI.O.P.Nos.19340 & 2521 of 2014

aa14/05/2020