

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.11029 of 2017

and

Cr1.M.P.No.7289 of 2017

1.Gnanaguru Ambethkar
2.Rajaguru
3.Kabilaguru
4.Loganayagi

..Petitioners/AA 1 to 4

.Vs.

1.The Station House Officer,
Women Police Station,
Villianour, Puducherry.
(Crime No.0004 of 2017)

..Respondent/complainant

2.Vijayasanthi

..Respondent/de facto
complainant

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records in Crime No.0004 of 2017 on the file of
the respondent police station, Villianur and quash the same.

For Petitioner : Mr.M.Gnanasekar

For R1 : Mr.D.Bharathachakravarthi
Public Prosecutor
(Puducherry)

For R2 : Mr.M.R.Thangavel

O R D E R

This criminal original petition has been filed seeking to
call for the records in Crime No.0004 of 2017 on the file of the
first respondent police station, Villianur and quash the same.

2. On a complaint lodged by Vijayasanthi (de facto
complainant), the first respondent/police have registered a case
in Crime No.0004 of 2017 on 17.04.2017 for the offences under
Sections 498-A, 294(b) and 497 r/w 34 IPC, against Gnanaguru
(A1), Rajaguru (A2), Kabilaguru (A3) and Loganayagi (A4), for
quashing which, the accused have filed the present petition
under Section 482 Cr.P.C.

3 Heard Mr.M.Gnanasekar, learned counsel for the petitioners (accused), Mr.D.Bharathachakravathy, learned Public Prosecutor (Puducherry) for the first respondent/State and Mr.M.R.Thangavel, learned counsel for the second respondent (de facto complainant).

4. It is seen that Vijayasanthi (de facto complainant) is the daughter of Elumalai, retired Assistant Sub-Inspector of Police. Gnanaguru (A1) is working as a Police Constable. Vijayasanthi (de facto complainant) got married to Gnanaguru (A1) on 23.03.2016 and thereafter, their marriage ran into rough weather.

5. In the complaint, Vijayasanthi (de facto complainant) has made a lot of allegations not only against her husband Gnanaguru (A1), but also against his family members.

6. The learned counsel for Vijayasanthi (de facto complainant) submitted that when there are prima facie allegations against all the accused, the same cannot be quashed.

7. One can have no two opinions on this aspect. However, a close scrutiny of the complaint shows that the main allegations are only against Gnanaguru (A1). It is the grievance of Vijayasanthi (de facto complainant) that her husband Gnanaguru (A1) is having an affair with another lady.

8. In the opinion of this Court, Vijayasanthi (de facto complainant) being the daughter of a policeman, has roped in all the family members of her husband (A1) and therefore, interests of justice will be served if the FIR is quashed as against Rajaguru (A2), Kabilaguru (A3) and Loganayagi (A4).

In the result, this criminal original petition is partly allowed and the FIR in Crime No.0004 of 2017 is quashed against Rajaguru (A2), Kabilaguru (A3) and Loganayagi (A4) and the investigation shall proceed as against Gnanaguru (A1). However, during the course of investigation, if evidence surfaces about the involvement of Rajaguru (A2), Kabilaguru (A3) and Loganayagi (A4), it is open for the police to include them as accused in the final report.

Sd/-

Assistant Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

To

The Station House Officer,
Women Police Station,
Villianour, Puducherry.

+1cc to Mr.C.Anbu, Advocate, S.R.No.38712

+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.38614

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