



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.23744 of 2019
and Crl.MP.No. 12522 of 2019

V.Bhuvaneswari

... Petitioner/Accused

Vs.

1.The state rep. by Inspector of Police,
Madipakkam Police Station,
Chennai.

2.Prema

... Respondents/Complainant/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the entire records of Crime No.16 of 2019 dated 10.01.2019 for the alleged offence under Sections 294(b), 506(ii) of IPC pending on the file of the 1st respondent and quash the same.

For Petitioner : Mr.K.Kannan

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor (for R1)

O R D E R

This petition has been filed to quash the F.I.R. in Crime No.16 of 2019 dated 10.01.2019 registered by the first respondent police for the alleged offence under Sections 294(b), 506(ii) of IPC, as against the petitioner.

2. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.16 of 2019 for the alleged offences under Sections 294(b), 506(ii) of IPC, as against the petitioner. Hence she prayed to quash the same.

3. The learned Additional Public Prosecutor would submit that the investigation is almost completed and the first respondent police have only to file final report.



WEB COPY

and consideration of the allegations therein, in the light of the statement made on oath that the ingredients of the offence are disclosed, there would be no justification for the High Court to interfere.

.....

9. Having heard the learned Senior Counsel and examined the material on record, we are of the considered view that the High Court ought not to have set aside the order passed by the Trial Court issuing summons to the Respondents. A perusal of the complaint discloses that prima facie, offences that are alleged against the Respondents. The correctness or otherwise of the said allegations has to be decided only in the Trial. At the initial stage of issuance of process it is not open to the Courts to stifle the proceedings by entering into the merits of the contentions made on behalf of the accused. Criminal complaints cannot be quashed only on the ground that the allegations made therein appear to be of a civil nature. If the ingredients of the offence alleged against the accused are prima facie made out in the complaint, the criminal proceeding shall not be interdicted."

7. In view of the above discussion, this Court is not inclined to quash the First Information Report. Accordingly, this Criminal Original Petition stands dismissed. However, considering the crime is of the year 2019, the first respondent police is directed to complete the investigation in Crime No.16 of 2019 and file a final report within a period of twelve weeks from the date of receipt of copy of this Order, before the jurisdiction Magistrate, if not already filed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

dm



To

1. Inspector of Police,
Madipakkam Police Station,
Chennai.

2. The Additional Public Prosecutor,
High Court, Madras.

CRL.O.P.No.23744 of 2019
and CrI.MP.No. 12522 of 2019

PVJ(CO)
GMY(13/07/2020)