

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CrI.O.P.No.24167 of 2019

and

CrI.M.P.No.12788 of 2019

1. Mohanaprabhu,
S/o.Manoharan

2. Monaharan,
S/o.Chinnathandavam

3. Rani,
W/o.Manoharan

4. Shanmuganathan,
S/o.Manoharan

...Petitioners

versus

1. State Rep. by
Inspector of Police,
All Women Police Station,
Ammamet, Salem.

2. M.Punithavathi,
W/o.M.Mani

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, seeking to call for the records relating to the F.I.R. in Crime No.14 of 2019 dated 17.06.2019 on the file of the respondent police and quash the same.

For Petitioners : Mr.S.Parthasarathy

For Respondent No.1 : Mr.S.Karthikeyan

Additional Public Prosecutor

For Respondent No.2 : Mr.M.Rajendran

O R D E R

This Criminal Original Petition has been filed praying to quash the FIR registered in Crime No.14 of 2019 dated 17.06.2019 on the file of the first respondent police, as illegal.

2. Heard Mr.S.Parthasarathy, learned counsel appearing for the petitioners, Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the first respondent police and Mr.M.Rajendran, learned counsel appearing for the second respondent.

3. The specific contention of the learned counsel for the petitioners is that in respect to the impugned FIR, the second respondent herein lodged a complaint before the first respondent police on 17.06.2019. On receipt of the same, without following the guidelines given by the Lalita Kumari's case, the first respondent police has registered a case on the same day against the petitioners in Crime No.14 of 2019 for the offences punishable under Sections 417, 498(A), 506(1) of IPC, Section 4 of Dowry Prohibition Act, 1961 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

4. Now, on considering the said submission with the relevant records, it seems that in respect to the allegation levelled against the petitioners, the second respondent herein lodged a complaint before the Commissioner of Police, Salem, on 13.05.2019 itself. The said information was found in the complaint given by the second respondent. Therefore, in the said circumstances, it cannot be said that upon the complaint given by the second respondent, the first respondent police has registered a case on the same day without any enquiry. Further, the said circumstances reveals the fact that only after completing the enquiry, the present FIR has been registered by the first respondent police.

5. More than that, the learned Additional Public Prosecutor appearing for the first respondent police on instructions would submit that in respect to the petition mentioned Crime Number, for example, Crime No.14 of 2019, the first respondent police had completed the investigation and filed a Final Report on 07.09.2019 before the Additional Mahila Court, Salem. He would further submit that due to the subsequent stay granted by this Court on 04.11.2019, the same was not taken on file.

6. Now, on considering the said submissions made by the learned counsel appearing on either side, it is clear that as of now, the investigation has been completed and Final Report has been filed. Therefore, in the said circumstances, the question for quashing the FIR does not arise. However, the Additional Mahila Court, Salem, is directed to take the Charge Sheet on file within a period of one week from the date of receipt of a copy of this order.

7. With the above observation, this Criminal Original Petition is closed, with liberty to the petitioners to challenge the Final Report. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Additional Judge, Mahila Court,
Salem.

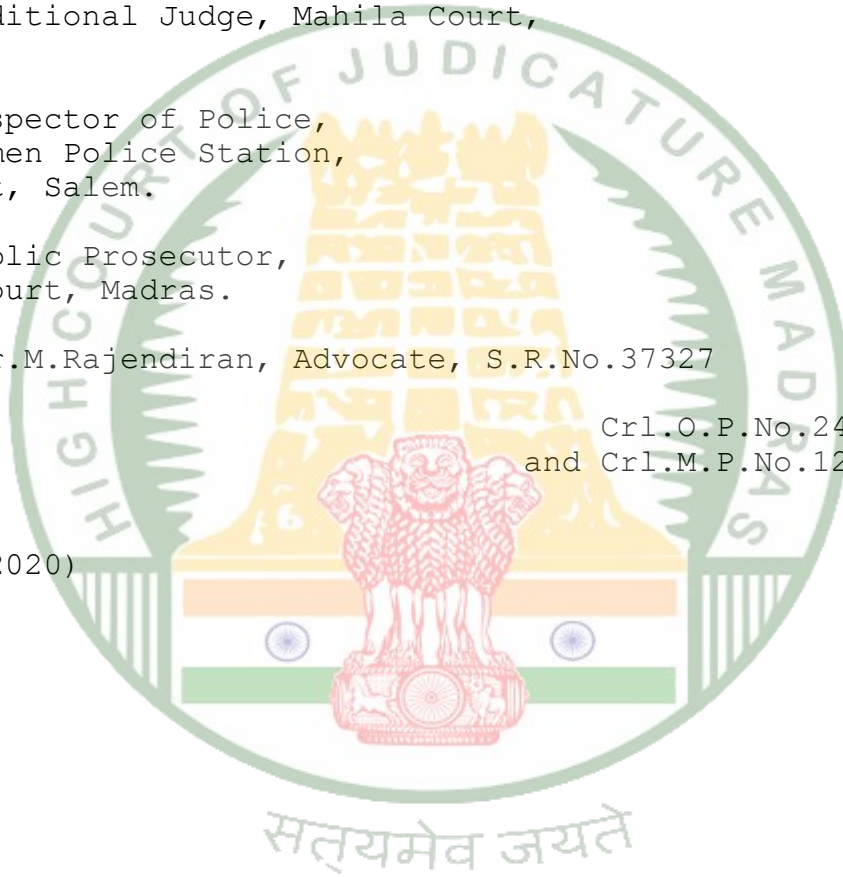
2. The Inspector of Police,
All Women Police Station,
Ammamet, Salem.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Rajendiran, Advocate, S.R.No.37327

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KK(CO)
RV(11/12/2020)



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