



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CrI.O.P (MD) No.10981 of 2020

and

CrI.M.P. (MD) No.5008 of 2020

WEB COPY

1.N.Mohamed Ibrahim

2.M.Rahimal Beevi

... Petitioners/5 and 6 Accused

(Wrongly mentioned in the FIR an Raihana Begam)

Vs

1.State through

The Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli District.
(Crime No.19 of 2020)

... 1st Respondent/Complainant

2.Mohammed Sharibal Nasreen

... 2nd Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records on the file of the first respondent/complainant in Crime No.19 of 2020 and quash the same as illegal as far as the petitioners / 5th and 6th accused are concerned.

For Petitioners
For R1

: Mr.M.A.M.Raja
: Ms.S.E.Veronica Vincent
Government Advocate

ORDER

Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the first respondent.

2.The petitioners are figuring as A5 and A6 in Crime No.19 of 2020 registered on the file of the All Women Police Station, Palayamkottai, for the offences under Sections 294(b), 323, 406, 498 (A) and 506(i) of IPC and Section 4 of Dowry Prohibition Act, 1961.

3.The petitioner's counsel states that the petitioners are not even relatives of the husband of the second respondent. He therefore wants this Court to quash the FIR atleast as far as they are concerned.

4.As rightly pointed out by the learned Government Advocate, there are specific allegations against the petitioners herein.



5.The allegations may be true or may not be true, but this is not the stage to go into the veracity of the allegations. The petitioners have come at a very early stage. FIR was registered only on 16.09.2020.The petitioner will have to necessarily wait till the final report is filed. If the petitioners' defence is true, certainly they may even be deleted, when the final report is filed. That is a matter left to the discretion of the Investigation Officer. At this stage, this Court cannot pronounce on the innocence or otherwise of the petitioners herein.

6.Leaving open the petitioner's defences, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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VB (02.11.2020) 2P 3C