



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2020

CORAM:

THE HONOURABLE **DR. JUSTICE G. JAYACHANDRAN**

CrI.O.P. (MD) No.12027 of 2016
and CrI.M.P. (MD) No.5744 of 2016

1.Syed Abuthahir
2.Shama @ Jaithun Beebi
3.Noor
4.Bharitha
5.Mohamed Sarthar
6.Anargali

... Petitioners/Accused 1 to 6

Vs.

1.State rep.by
The Inspector of Police,
S.S.Colony Police Station,
Madurai City
In Cr.No.529 of 2016.

... 1st Respondent/Complainant

2.Jahitha Begam

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records pertaining to the Crime No.529 of 2016 on the file of the first respondent police and quash the same.

For Petitioner : Mr.A.Mahendra Varman

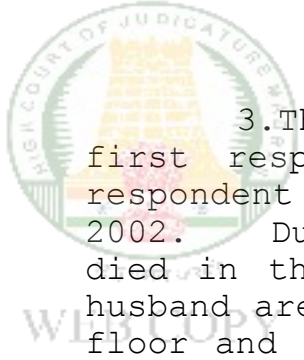
For R1 : Mr.S.Chandrasekar,
Additional Public Prosecutor.

For R2 : No Appearance

ORDER

Petition filed under Section 482 Cr.P.C., to quash the First Information Report on the file of the first respondent police.

2.Based on the complaint given by one Jahitha Begam, who is the mother-in-law of the first petitioner, a case has been registered on 06.05.2016 in crime No.529 of 2016 by the S.S.Colony Police Station, Madurai for the offence under Sections 147, 294(b), 323, 506(ii) IPC and Section 4 of TNWH Act. The petitioners, who are shown as accused in the complaint, have filed the present petition to quash the First Information Report on the ground that it is a false complaint given by the second respondent to counter-blast the criminal case pending against her at Judicial Magistrate Court No.5, Madurai in C.C.No.133 of 2015.



3. The learned Additional Public Prosecutor appearing for the first respondent would submit that the daughter of the second respondent was given marriage to the first petitioner in the year 2002. Due to the ill health, the defacto complainant's daughter died in the year 2012. However, the defacto complainant and her husband are staying the house of the first petitioner in the ground floor and the first petitioner and his family members are residing in the first floor of the house. The said property stands in the name of the defacto complainant's deceased daughter. The first petitioner has married another lady, after the demise of his first wife and hence, a dispute between the family has crept up, which has led to a case and counter case against each other.

4. As far as the case in crime No.529 of 2016, which is the subject matter of this petition, police has completed the investigation and has filed their final report, which has been taken on file by the learned Additional Mahila Court, Madurai in E.C.C.No.2161 of 2020 on 14.02.2020.

5. In view of the completion of investigation and filing of final report, nothing survives in this quash petition. Hence, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Gns

To

1. The Inspector of Police,
S.S.Colony Police Station,
Madurai City
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.ANBARASU, Advocate (SR-10630[F])

Cr1.O.P. (MD) No.12027 of 2016

09.03.2020