



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.7093 of 2016 and

Crl.M.P.(MD)Nos.3577 of 2016 & 425 of 2019

WEB COPY

1. M.Thangamani
2. P.Mariappan
3. M.Chinathayi
4. S.Chittammal
5. S.Gurunathan
6. S.Anandan
7. Kolunthayi
8. K.Muthu

... Petitioners/Accused Nos.1 to 8
Vs.

1. State rep. by,
The Inspector of Police,
All Women police station,
Dindigul.
(Crime No.6 of 2016)

...1st Respondent/Complainant

2. R.Jayalakshmi ... 2nd Respondent/ Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to First Information Report in Crime No.6 of 2016 on the file of the first respondent dated 24.02.2016 and quash the same.

For Petitioners	: Mr.A.Chandrakumar
For R-1	: Mr.K.K.Ramakrishnan,
	Additional Public Prosecutor.
For R-2	: Mr.R.Santhanam

* * *

O R D E R

Heard the learned counsel on either side.

2. This criminal original petition has been filed for quashing the First Information Report in Crime No.6 of 2016 registered on the file of the All Women police station, Dindigul, for the offences under Sections 420, 376, 493, 294(b) and 506(i) of I.P.C.

3. The second respondent herein is the defacto complainant. Her case is that she is a divorcee. Her marriage with Govindaraj, S/o.Perumal, was dissolved vide order dated 06.08.2015 in Crime No.67 of 2015 on the file of the Family Court, Dindigul.



While so, the first petitioner, namely, Thangamani is said to have given her a false assurance to marry and had sexual intimacy with her.

4. The defacto complainant was to marry the said Thangamani. But then, that was prevented by the other petitioners herein. The marriage of the first petitioner with the daughter of one Ramuthayi was also attempted to be performed. The prayer made in the First Information Report is that the marriage should be performed between her and the first petitioner Thangamani.

5. A reading of the First Information Report and other materials on record would indicate that the allegations are primarily made against Thangamani.

6. At this stage, the petitioners' counsel states that he would withdraw this criminal original petition as regards the first petitioner Thangamani and he would confine his arguments only for petitioners 2 to 8. Therefore, this criminal original petition stands dismissed as regards the first petitioner is concerned.

7. It is seen that even according to the defacto complainant, it was the first petitioner who held out false assurance of marriage and had intimacy with her. Therefore, the First Information Report ought to be maintained only against the first petitioner Thangamani alone. Even all the allegations have been made against the first petitioner, no case is made out against petitioners 2 to 8. Even according to the defacto complainant, the allegations against petitioners 2 to 8 that they prevailed upon the first petitioner Thangamani not to marry the defacto complainant and they are acting as a stumbling block.

8. Therefore, the impugned FIR stands quashed as far as petitioners 2 to 8. The criminal original petition stands partly allowed. Consequently, connected miscellaneous petitions are closed.

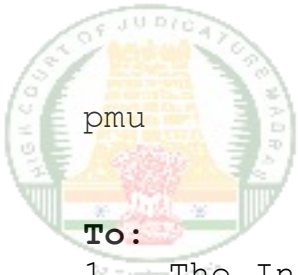
Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)



To:

1. The Inspector of Police,
All Women police station, Dindigul.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to MR.R.SANTHANAM, Advocate (SR-1085[F] dated 09/01/2020)

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