



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD)No.7654 of 2016 and

Crl.M.P. (MD)No.3914 of 2016

WEB COPY

1. Sheik Syed Kasim
 2. Maideen Sahulheed
 3. Sajitha
 4. Subeda Begam
 5. Peermasthan
 6. Maideen Fathima
- ... Petitioners/Accused Nos.1 to 6

Vs.

1. The State rep. by,
The Inspector of Police,
Tirunelveli Town All
Women police station,
Tirunelveli City. ... Respondent/Complainant

2. Birose Nisha Banu ... Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in connection with Crime No.4 of 2016 on the file of the Inspector of Police, Tirunelveli Town All Women police station, Tirunelveli City and quash the same.

For Petitioners	: Mr.Palanivelayutham
For R-1	: Mr.K.K.Ramakrishnan,
	Additional Public Prosecutor.
For R-2	: No appearance.

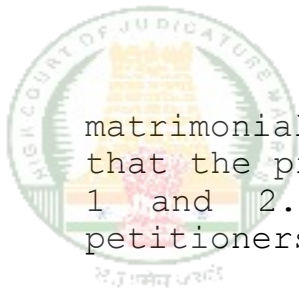
O R D E R

The petitioners' counsel seeks to withdraw this criminal original petition as regards petitioners 1 and 2. The first petitioner is the husband of the defacto complainant. The second petitioner is the elder brother of the first petitioner.

2. Permission is granted. This criminal original petition stands dismissed as regards petitioners 1 and 2 are concerned.

3. Though the second respondent has been served and her name is also printed in the cause list, there is no appearance before this Court on her behalf.

4. On carefully going through the complaint, it is seen that the marriage between the first petitioner and the second respondent took place on 12.02.2014. A girl child was also born through the wedlock. The allegation of the second respondent is that the second petitioner herein wanted to throw out the second respondent from the



matrimonial home. A mere reading of the complaint would indicate that the primary allegations have been made only against petitioners 1 and 2. There are however no credible allegations against petitioners 3 to 6 herein.

5. Therefore, even while sustaining the impugned proceedings against petitioners 1 and 2, I am of the view that petitioners 3 to 6 deserved to be granted relief. The third petitioner is the wife of the second petitioner. The fourth petitioner is the mother-in-law. The sixth petitioner is the sister-in-law. The fifth petitioner is the husband of the sixth petitioner. Since there are no serious allegations against petitioners 3 to 6, I am of the view that they deserve to be exonerated from this First Information Report. Therefore, the impugned First Information Report stands quashed as far as petitioners 3 to 6 are concerned.

6. The learned Additional Public Prosecutor states that the investigation is over and that in view of the grant of interim order by this Court, they have not filed final report. This criminal original petition is dismissed as far as petitioners 1 and 2 are concerned. Therefore, the first respondent is directed to file final report against petitioners 1 and 2 without any delay.

7. The impugned First Information Report is of the year 2016. Therefore, the jurisdictional Court will also take the final report on file without any further delay.

8. The criminal original petition stands partly allowed, accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1. The Inspector of Police,
Tirunelveli Town All Women police station, Tirunelveli City.
 2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.S.PALANIVELAYUTHAM, Advocate (SR-746[F]

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SMA/05/06/2020/2P/4C