



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. (MD) .Nos. 18318 & 21742 of 2018

WEB COPY

1. Nirmala
2. S. Arul Dhas
3. Ramesh

... Petitioners in Crl.O.P. (MD)
No. 18318 of 2018

1. Roselet
2. Thangaraj
3. Berlin Raj
4. Venish Sheeba

... Petitioners in Crl.O.P. (MD)
No. 21742 of 2018

Vs.

1. The State Represented by the
Sub- Inspector of Police,
All Women Police Station,
Marthandam, Kanyakumari District.
(Crime No. 31 of 2018) ...R-1/Complainant Crl.O.P. (MD)
No. 18318 of 2018

2. The Inspector of Police,
All Women Police Station,
Marthandam, Kanyakumari District.
(Crime No. 31 of 2018) ...R-1/Complainant Crl.O.P. (MD)
No. 21742 of 2018

3. Josphine Rincy ... R-2/Defacto complainant in both OPs.

COMMON PRAYER: These Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No. 31 of 2018 on the file of the first respondent, quash the same as far as the petitioners are concerned.

In Both Crl.O.Ps.

For Petitioners : Mr.C.T.Perumal for
Mr.S. Ramasamy

For R1 : Mr.S.Bharathi
Government Advocate (crl. side)

For R2 : Mr.K.P. Narayanakumar

COMMON ORDER

These Criminal Original Petition has been filed to quash the FIR in Crime No. 31 of 2018 on the file of the first respondent



police for the offences under Sections 498(A) & 406 of IPC and Section 4 & 6 of Dowry Prohibition Act.

2. The learned Counsel appearing for the petitioners would submit that the petitioners did not commit any offences as alleged in the impugned FIR. Without any base, the first respondent police registered a case as against the petitioners in Crime No. 31 of 2018 for the offences under Sections 498(A) & 406 of IPC and Section 4 & 6 of Dowry Prohibition Act. He would further submit that the petitioners are relatives of the husband of the second respondent/defacto complainant and thereby, cannot be prosecuted for the offence under Section 498(A) of IPC. Hence he prayed to quash the same.

3. The learned counsel appearing for the second respondent would submit that investigation is still pending and it is in premature stage and after investigation, it can be find out whether the accused are relatives of the husband of the defacto complainant or not and hence, he prayed for dismissal of this petition.

4. Perused the materials available on record.

5. It is seen from the First Information Report that there are specific allegation as against the petitioner, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Further, it cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating machinery has to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

6. In view of the above, this Court is not inclined to quash the FIR in Crime No. 31 of 2018. Accordingly, these criminal original petitions are dismissed. Consequently, connected miscellaneous petitions are also dismissed. Further the respondent police is directed to complete the investigation and file final report before the concerned Court within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1. The Inspector of Police,
All Women Police Station,
Marthandam, Kanyakumari District.
2. The Sub- Inspector of Police,
All Women Police Station,
Marthandam, Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to Mr.C.T.PERUMAL, Advocate (SR-5777,5776[F]dated
12/02/2020)

+1 CC to Mr.K.P.NARAYANA KUMAR, Advocate (SR-6049[F] dated
13/02/2020)

Common Order made in
Cr1.O.P.(MD) .Nos. 18318 &
21742 of 2018
11.02.2020

VB(03.03.2020) 3P 7C