

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.OP.No.6764 of 2021 &
Crl.MP.Nos.4111 & 4487 of 2021

Subramaniam @ Vandavasi
Subramaniam

... Petitioner

Versus

1.State represented by
The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District.
(Crime No.1 of 2021)

2.Vidhya ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned FIR in Crime No.1 of 2021 on the file of the first respondent police, quash the same.

For Petitioner : Mr.N.Manoharan

For R1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner who is the accused in Crime No.1 of 2021 for the offences punishable under Sections 495 and 406 of IPC has filed this quash petition.

2. The contention of the learned counsel for the petitioner is that the marriage between the petitioner and Savitha had taken place on 13.02.2013. Thereafter, it was registered on 04.11.2016. Further, the petitioner had married the defacto complainant on 25.08.2013 and they were residing at Thirupathi for two years when the petitioner was working as a Manager at Randbaxy, Thirupathi, Andhra Pradesh. Therefore, the offence under Section 495 of IPC would not be attracted for the simple reason that on 13.02.2013, the petitioner married Savitha and thereafter only on 25.08.2013, the petitioner married the defacto complainant. Hence, it cannot be construed as a valid marriage. He further submitted that a child was born out of the marriage between the petitioner and

Savitha. There was also exchange of legal notices between the petitioner and the defacto complainant. The petitioner sent a legal notice dated 09.11.2020 and the defacto complainant sent a reply legal notice dated 13.11.2020. Further, FIR has been lodged with considerable amount of delay and no reason has been given for the said delay.

3. The learned Additional Public Prosecutor submits that in this case, the Marriage Registration Certificate is doubtful for the simple reason that the marriage between the petitioner and Savitha is said to have taken place on 13.02.2013 and thereafter, only on 04.11.2016, the marriage has been registered. Further, the defacto complainant has categorically stated that the marriage had taken place at Banlamma Temple, Ragur Village, Andhra Pradesh and in the marriage, the parents of the petitioner and the defacto complainant participated and they were living as a joint family. At that time, the petitioner was working as a Manager in Randbaxy at Thirupathi, Andhra Pradesh. During marriage, customary articles and sreedhana articles were given as dowry. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the investigation is in progress and within a period of three months, final report would be filed.

4. The contentions put forward by the learned counsel appearing on behalf of the petitioner are purely factual in nature and this Court cannot venture into conducting a mini investigation into the matter and it therefore does not fall within the ambit of its jurisdiction under Section 482 of Cr.P.C. Any finding on facts will also have a bearing on the investigation conducted by the respondent Police.

5. In the facts and circumstances of the case, this Court is not inclined to interfere with the investigation conducted by the 1st respondent Police at this stage.

6. In the result, this Criminal Original Petition is dismissed and the 1st respondent Police is directed to proceed further with the investigation in accordance with law and complete the investigation and file a final report or a closure report, as the case may be, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

To

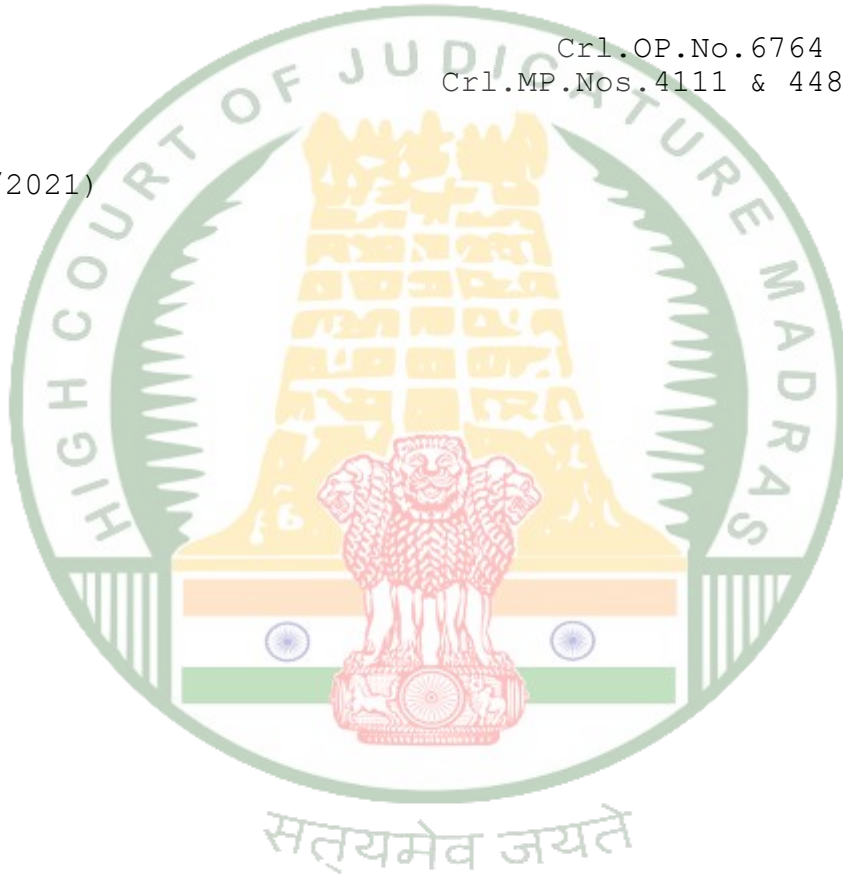
1.The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District.

2.The Public Prosecutor,
Madras High Court,
Chennai.

+lcc to Mr.N.Manoharan, Advocate SR.No.23048

Crl.OP.No.6764 of 2021 &
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PMK (CO)
GMY (16/06/2021)



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