



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.12297 of 2021

K.Parameswaran ... Petitioner/ Accused No.1

Vs.

1.State rep.by
The Inspector of Police,
M.6, Manali Police Station,
Chennai.
Crime No.126 of 2021.

2.A.Sumithra ... Respondents/ Defacto Complainant

PRAYER: Petition filed under Section 482 of Cr.P.C., pleaded to call for the entire records of the FIR in Crime No.126 of 2021 on filed before the 1st respondent and quash the same.

For Petitioner : Mr.K.Harikrishnan

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl. Side)

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed seeking to call for the entire records of the FIR in Crime No.126 of 2021 on filed before the 1st respondent and quash the same.

2.The petitioner is an accused in Crime No.126 of 2021 for the offence u/s.447, 427,380 IPC has filed this quash petition. The primary ground raised by the petitioner is that the petitioner and his wife are having strained relationship. The petitioner has filed a petition for restitution of conjugal rights in O.P.No.39 of 2020 before the Sub Court, Ponneri. In the said petition the address has been given as No.269, 12th Cross Street, C.P.C.L. Nagar, Manali, Chennai 600 068 and the 2nd respondent's address is stated as No.66, Sadayan Kuppam Pettai, Tiruvatturiyur, Chennai 600 019. According to the petitioner the marriage between them had taken place on 25.02.2005 at Ponga Nagar, Kaladipet, Chennai 600019 and the marriage is a love cum arranged one and they have two children aged about 14 years and 10 years and the children are now staying with their mother viz. the 2nd respondent herein and till 2015, they were living together and



thereafter due to some misunderstanding their matrimonial life got disturbed. When they were living together, they have entered into a sale agreement with Kuppusami and Lalitha in respect of the property at C.P.C.L.Nagar, Manali in the year 2011, where they were leading a matrimonial life and in the year 2015, the 2nd respondent left the matrimonial house and started to live with her parents in Tiruvatturiyur. In H.M.O.P.No.39 of 2020, the 2nd respondent failed to appear and she was set exparte and the case was posted for exparte evidence. The petitioner had also issued a public notice on 30.04.2021 about the pendency of the H.M.O.P.No.39 of 2020 before the Sub-Court, Ponneri and other facts.

3.The contention of the petitioner is that right from the beginning, the petitioner is residing in the property situated in C.P.C.L.Nagar, Manali along with the 2nd respondent till she left the petitioner in the year 2015, but contrary to this, the 2nd respondent had alleged in the complaint dated 29.04.2021 lodged on 28.04.2021 that the petitioner along with one Jagan and Lakshmanan had entered into a house of the 2nd respondent situated in CPCL Nagar, Manali and caused damage to the property and other things which is clearly a false complaint. Accordingly prays for quashing the F.I.R. registered against him.

4.Mr.E.Raj Thilak, the learned Government Advocate (Crl. Side) would submit that in this case, the petitioner and the respondent are the husband and wife having strained marital relationship and matrimonial dispute is pending between them and the 2nd respondent is residing at C.P.C.L.Nagar, Manali. The contention of the petitioner that in the H.M.O.P. the address of the 2nd respondent has been mentioned as No.66, Sadayan Kuppam Pettai, Tiruvatturiyur, Chennai 600 019 and the petitioner's address has been stated as C.P.C.L.Nagar, Manali, which is the information given by the petitioner at the time of filing H.M.O.P. Petition. Further, the 2nd respondent has been set exparte in that H.M.O.P. and the case is now posted for recording exparte evidence and there is a likelihood of the 2nd respondent to set aside the exparte order and contest the matrimonial suit and the H.M.O.P. is yet to reach its finality. Further, the newspaper publication reveals the criminal intention of the petitioner, who has created defence for his case. The complaint was given on 28.04.2021 and the paper publication was given on 30.04.2021, which highlights the steps taken by him to create evidence. Further, during investigation, the CCTV footage, video coverage and photos have been collected, which are in conformity to the complaint lodged by the 2nd respondent. He would further submit that the investigation is in progress and the final report to be filed at the earliest. Further, the points raised by the petitioner is only for his defence.



5. In view of the above, this Court is not inclined to entertain this petition. This Criminal original petition stands dismissed accordingly.

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Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
M.6, Manali Police Station,
Chennai.

2. The Public Prosecutor
High Court of Madras
Chennai 600 104

CrI.O.P.No.12297 of 2021

SPD(CO)
A.SK(05.08.2021)