

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP.No.17437 of 2020
and Crl.MP.No.6735 of 2020

J.Raheema

...Petitioner/Accused A2

Vs.

1. The Inspector of Police,
Kanchi Taluk Police Station,
Kanchipuram.
(Cr.No.139 of 2020)

... 1st Respondent/Complainant

2. Fareeda Begum

... 2nd Respondent/De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the FIR registered in Crime No.139 of 2020 dated 11.03.2020 on the file of the first respondent police(Inspector of Police), Kanchi Taluk Police, Kanchipuram District against the petitioner herein.

For Petitioner: Mr.R.Abdul Mubeen

For Respondent: Mr.M.Mohamed Riyaz R1

Addl. Public Prosecutor

Mr.K.S.Natarajan R2

ORDER

This petition has been filed seeking to quash the FIR in Crime No.139 of 2020, pending investigation on the file of the first respondent.

2. The second respondent gave a complaint to the first respondent to the effect that her husband purchased a flat in a group of apartments named as 'Sai Flats' in the year 2020. It is alleged that the husband of the petitioner, who has been arrayed as first accused, was continuously causing trouble to the second respondent and her family and was demanding a sum of Rs.2,15,000/- towards arrears of maintenance. The second respondent explained that they purchased the flat only recently and they are not liable to pay the arrears of maintenance. It is at this point of time that the husband of the petitioner is said to have claimed himself to be an Advocate and had caused threat to the second respondent and her family. Based on the

complaint given by the second respondent, an FIR came to be registered in Cr.No.139 of 2020 for offences under Section 448, 294(b) and 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

3. Heard Mr.R.Abdul Mubeen, learned counsel for the petitioner, Mr.M.Mohammed Riyaz, learned Additional Public Prosecutor for the first respondent and Mr.K.S.Natarajan, learned counsel for the second respondent.

4. The petitioner has been arrayed as second accused in the FIR. The only allegation that has been made against the petitioner is that she also came along with her husband and entered into the house of the second respondent and abused her in filthy language.

5. In the considered view of this Court, there seems to be a dispute with regard to arrears of maintenance and the husband of the petitioner is said to be in-charge of maintaining the common areas and amenities in the flat. The entire allegations are directed against the husband of the petitioner and the petitioner has been roped-in by making a general allegation that she also abused the second respondent. The petitioner is a house wife and she is a pardanashin lady.

6. The continuation of the investigation against the petitioner will amount to abuse of process of law. This Court is inclined to interfere with the FIR insofar as the petitioner is concerned.

7. In the result, the FIR in Crime No.139 of 2020 pending investigation on the file of the first respondent is quashed only insofar as the petitioner is concerned and the Criminal Original Petition is allowed.

8. The first respondent is directed to complete the investigation insofar as the first accused is concerned and file a final report within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

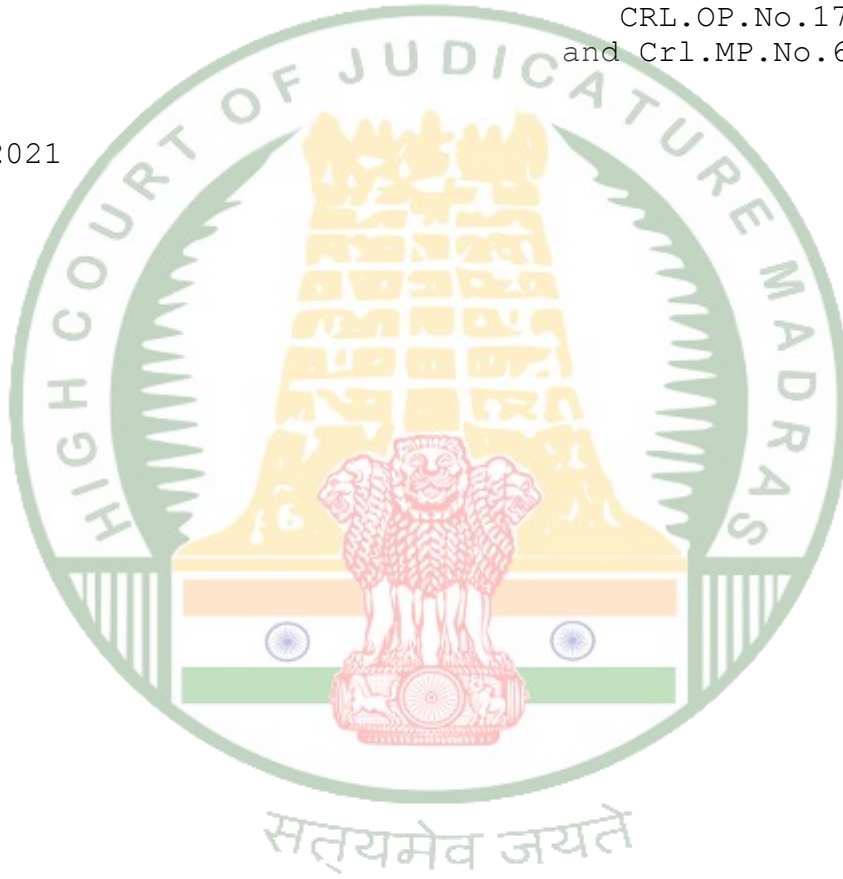
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To

1. The Inspector of Police,
Kanchi Taluk Police Station,
Kanchipuram.
2. The Public Prosecutor,
High Court, Madras.

CRL.OP.No.17437 of 2020
and CrI.MP.No.6735 of 2020

PCH(CO)
NR 20/04/2021



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