



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P.No. 25555 of 2017
and CrI.M.P.No.14701 of 2017

1. Thangamani
2. Vanaja ... Petitioners

Versus

1. The State, represented by
The Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District,
(Crime No. 9 of 2017)
2. Nandinidevi ... Respondents

This Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to Crime No.9 of 2017 on the file of the respondent and quash the same.

For Petitioners : Mr. M.N. Balakrishnan

For R1 : Mr.E.Raj Thilak
Government Advocate (Criminal Side)

For R2 : Notice Served- Name Printed
No Appearance

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.9 of 2017 pending on the file of the first respondent police.

2. The petitioners are the inlaws of the 2nd respondent/de-facto complainant herein. In 2013, the de-facto complainant married one Kumaresan who is the son of the petitioners herein. After completion of marriage, the de-facto complainant and her husband are living in joint family and they got a male child.



Subsequently, some family dispute arose between the de-facto complainant and the petitioners' son namely Kumaresan. The husband is a drunkard and was consuming alcohol daily and also harassed his wife and also the petitioners by demanding dowry for a sum of Rs.85,000/- from her. Hence, the de-facto complainant lodged a complaint before the first respondent/Inspector of Police, All Women Police Station, Pollachi, Coimbatore District, which has been registered in Crime No.9 of 2017, dated 02.06.2017 for the offence under Section 498-A IPC.

3. The learned counsel appearing for the petitioners submitted that the petitioners herein are innocent persons and they have not committed any offence as alleged by the prosecution and they are law abiding senior citizens, hailing from a decent and respectable family background. The allegation is that the de-facto complainant had received a sum of Rs.1,00,000/- from her father for running computer centre to her husband and he did not run the business properly, is totally false and the complaint is made only with an ulterior motive.

4. The learned counsel for the petitioners further submitted that in fact, the de-facto complainant only had beaten up the petitioners' son on 24.05.2017 and he sustained injuries and admitted in the Government Hospital, Pollachi and later, he was discharged from the hospital. The second petitioner herein lodged a complaint against the defacto complainant before the first respondent and the same was registered in CSR.No.184/2017, dated 24.05.2017. Only thereafter, the present complaint dated 02.06.2017 was given by the defacto complainant against the petitioners before the first respondent police as a counter blast of the earlier complaint filed by the second petitioner. He further submitted that pending the Criminal Original Petition, the petitioners' son namely Kumaresan/A1 died. Hence, for the reasons stated above, the complaint filed by the de-facto is liable to be quashed.

5. Heard Mr.M.N.Balakrishnan, learned counsel for the petitioners, and Mr.E.Raj Thilak, learned Government Advocate (Criminal Side) appearing for the 1st respondent and there is no representation on behalf of the 2nd respondent either in person or through her counsel in spite of her name having been printed in the cause list today. This Court perused the materials available on record.

6. On a perusal of the documents, it is seen that the present case is one of counter blast of the complaint made by the parties. Furthermore, the defacto complainant's husband namely Mr.Kumaresan, the son of the petitioners' herein died



pending the Criminal Original Petition and in order to prove the same, a copy of the death certificate has also been produced.

7. It is also seen from the records including the FIR that no cognizable offence was made out as against the petitioners who are in laws of the defacto complainant/2nd respondent. Hence, this Court is of the view that the complaint filed by the de-facto complainant against the petitioners herein in Crime No.09/2017 for the offence under Section 498(A) IPC could not be proceeded with.

8. Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No. 9 of 2017, dated 02.06.2017 on the file of the Inspector of Police, All Women Police Station, Pollachi, Coimbatore District, is hereby quashed. Consequently, connected Criminal Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

msm

To

1. The Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District,
(Crime No. 9 of 2017)

2. The Public Prosecutor,
High Court, Madras.

+1CC to Mr.M.N.Balakrishnan, Advocate, Sr.No.39387

CRL.O.P.No.25555 of 2017

RSV (CO)
K.RK. (26.11.2021)