



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2021

CORAM :

WEB COPY

THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

Crl.O.P.(MD)No.714 of 2021

and

Crl.M.P(MD) .No.318 of 2021

1.Sivaramakrishnan
2.Pitchan @ Pichai Kuppan
3.Chinnaponnu
4.Manimozhi
5.Pennachi

... Petitioners/ Accused 1 to 5

Vs.

1.State rep., by
The Inspector of Police,
All Woman Police Station,
Musiri, Trichy District.
(In Crime No.23 of 2020)

... 1st Respondent/ Complainant

2.Yuvarani

...2nd Respondent/ Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for the records in Crime No.23 of 2020 on the file of the first respondent police and quash the same.

For Petitioners : Mr.K.Arunraj
For R-1 : Mr.A.Robinson
Government Advocate (Criminal side)

ORDER

The present petition is filed by the petitioners under Section 482 Code of Criminal Procedure to call for the records in Crime No.23 of 2020 on the file of the All Women Police Station, Musiri, Trichy District and quash the same.

2.The learned counsel appearing for the petitioners would contend that the defacto complainant was not interested in the marital life and therefore the first petitioner was forced to file a divorce petition in HMOP.No.SR478 of 2020 before the learned Principal Subordinate Judge, Tiruchirappalli and as a sequel to the said divorce petition, the second respondent/defacto complainant had lodged a private complaint in Crime No.23 of 2020 against the petitioners with the first respondent police. According to the learned counsel for the petitioners, the petitioners did not commit



any offence as alleged by the defacto complainant and that the respondent police did not take any action on the complaint lodged by the petitioners 1 and 2. The grounds, on which, the present petition to quash the FIR in Crime No.23 of 2020 as follows:

(i)the first respondent did not apply his mind before registering First Information Report in Crime No.23 of 2020.

(ii)the defacto complainant voluntarily left the matrimonial home without any valid reason which forced the first petitioner to file a petition for divorce in HMOP.NO.SR478 of 2020 on the file of the learned Principal Subordinate Judge, Tiruchirapalli.

(iii) The relatives of the defacto complainant came over to the house of the petitioners and picked up quarrel with them and thereafter, the second respondent/defacto complainant foisted a false case against them.

3.A perusal of the First Information Report in Crime No.23 of 2020 shows that the petitioners demanded 25 sovereigns of gold and cash from the second respondent and her parents. It is also seen from the First Information Report that the present petitioners abused the defacto complainant in filthy language. According to the learned Government Advocate(Criminal side), the investigation First Information Report in Crime No.23 of 2020 is still pending. It is settled law that the First Information Report and the consequent investigation cannot be quashed unless there is no offence spelt out on the basis of the allegations alleged and there is no question of considering the merits of the allegations contained in the First Information Report at this stage or testing the veracity of the allegations. In the instant case, there are certain allegations levelled against the present petitioners. In the facts and circumstances of the present case, I do not find any reason to quash the First Information Report. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

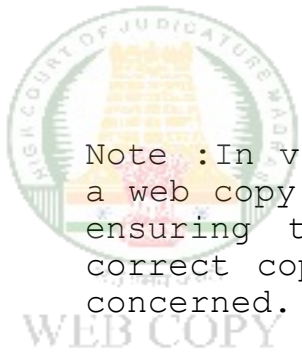
Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar



Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
All Woman Police Station,
Musiri, Trichy District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.714 of 2021
21.01.2021

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