



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE **R. THARANI**

Crl.O.P. (MD)No.2896 of 2021

and

Crl.M.P (MD) .No.1564 of 2021

1.S.Kasirajan
2.Samayan
3.Panchavarnam
4.Muthukkumar
5.Karthikeyan

... Petitioners/Accused

Vs.

1.State through Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai -5
(In Crime No.29 of 2020)

... 1st Respondent/Complainant

2.Pandiselvi

... 2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C to call for the records relating to the proceedings in Crime No.29 of 2020 which is pending before the Judicial Magistrate, Additional Mahila Court, Madurai as against the petitioners and quash the same.

For Petitioner
For R1

: Mr.S.Alagarsamy
: Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This petition is filed to quash the FIR in Crime No.29 of 2020 on the file of the first respondent.

2.On the side of the petitioner it is stated that the first petitioner and the defacto complainant were husband and wife. The second and third petitioners are the parents of the first petitioner. The fourth and fifth petitioners are the brothers of the first petitioner. The first petitioner is an Lecturer in an Engineering College. It was the complainant who compelled the first petitioner to marry her. The first petitioner filed a petition for



divorce. Only after the filing of the divorce petition by the first petitioner, the defacto complainant lodged a complaint praying for restitution of conjugal rights. The petitioner belong to scheduled Caste community is under life threat and prayed the FIR to be quashed.

3.On the side of the respondents it is stated that the respondent has examined five witnesses and recorded their statements under Section 161 of the Code of Criminal Procedure and enquiry is pending before the Social Welfare Department. After receiving the report from the Social Welfare Officer, the respondent is ready to file the final report.

4.It is seen that the matter involved is a matrimonial dispute. The report of the Social Welfare Officer is necessary to initiate any action against the complaint of the defacto complainant. In view of the same, the Criminal Original Petition is dismissed at this juncture. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmk

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 Judicial Magistrate, Additional Mahila Court,
Madurai.

2.The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai -5.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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