



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 24.09.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.3375 of 2021
and
Crl.MP (MD)Nos.1855 & 4096 of 2021

1.Kannagi

2.Thangaponnu

... Petitioners/Accused Nos.4 & 6

Vs.

1.The State rep by
The Inspector of Police,
All Women Police Station,
Paramakudi,
Ramanathapuram District.
(Crime No.3 of 2019)

.. Respondent/Complainant

2.Vanathi

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to Crime No.3 of 2019 on the file of the first respondent and to quash the same so as to the petitioners concern.

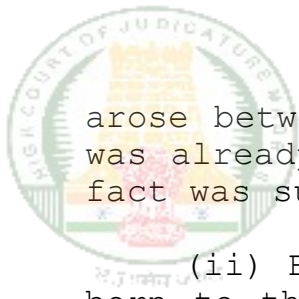
For Petitioner : Mr.K.M.Subramaniam
For R1 : Mr.Sanjai Gandhi
Government Advocate (Crl.Side)
For R2 : Mr.M.S.Jeya Karthick

ORDER

This Criminal Original Petition is filed to quash the Crime No.3 of 2019 on the file of the first respondent.

2.The case of the prosecution:-

(i) The second respondent, who is the defacto complainant herein, was married to the first accused on 23.08.2009. The customary dowry and other things were provided, at the time of marriage. During that time, the first accused was working in Singapore. She was stayed in the matrimonial home. After six months, she was taken to Singapore by the first accused. During that period, the first accused indulged in immoral activities and so, differences



arose between them. Later, it came to know that the first accused was already married to one Regina Devi. Later, he got divorce. That fact was suppressed by him.

(ii) Because of the matrimonial relationship, two children were born to them. On 10.01.2016, all the accused scolded her in filthy language and driven out of the house along with her child and the same was intimated to her husband, who was staying in Singapore at that time.

(iii) During May 2016, he returned to India. On 08.05.2016, a compromise talk was arranged in the Village. At the advise of the elders, she was again taken to the matrimonial home. Later, her husband went to Singapore.

(iv) Thereafter, within a short period, the accused Manimegalai, Kannaki and Thangaponnu, scolded and assaulted her and also driven out of the house. At the advise of the first accused, a rented house was arranged for separate living at Peraiyur, Madurai.

(v) During August 2017, the first accused returned to India and during that time also, he indulged in immoral activities. When that was objected by her, she was assaulted, scolded and abused and the same was questioned by one Pavunpandi, Chelladurai, Arumugam and her mother & brother, again, the first accused scolded her and left the matrimonial home and he also made criminal intimidation.

(vi) Even after patient waiting, there was no improvement in the behaviour of the first accused. So, with this allegation, she lodged a complaint. Based upon which, a case in Crime No.3 of 2019 was registered for the punishable offence under Sections 147, 294 (b), 498 (A) and 506 (ii) IPC. On the basis of the order passed by the learned Judicial Magistrate, Mudukulathur in Crl.MP(MD)No.1451 of 2019. Seeking quashment of the First Information Report, the petitioners preferred this petition.

3. Heard both sides.

4. It is a matrimonial dispute between the second respondent and the first accused, who is the husband. Seeking maintenance, the defacto complainant has filed a petition in M.C.No.8 of 2019 before the learned Judicial Magistrate Court, Kamuthi, dated 10.04.2019 and anticipatory bail application was moved by the petitioners herein along with others, came to be allowed, on 19.06.2019.

5. In the First Information Report, the main allegation that has been levelled against the husband is that he has indulged in immoral activities and insisted her to follow his command. When his request was objected, trouble arose between them. But, however, it is seen that they were residing in Singapore for some time and got

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Report shows that the main allegation is only against the first accused and insofar as these petitioners is concerned, it has been stated that on a particular day these petitioners and others abused her in filthy language and was driven out.

6. A reading of the First Information shows that even grandchild of the sister-in-law has been arrayed as an accused. So, intention in lodging the complaint, implicating the petitioners also as an accused, clearly shows that the defacto complainant want to rope all the relatives of her husband as accused in the above said dispute. There was no complaint with regard to the above said incident. So, after the above said incident, there was compromise between the husband and wife and they started to live together. On 08.05.2016, the matter was settled amicably and the petitioner was also taken to Singapore.

7. It is also seen that when the trouble was brought to the notice of the husband, a separate residence was also arranged in Vadipatti at rental basis. So, this sequence of events shows that the trouble arose between the husband and wife only with regard to the immoral character of the first accused. In which, these petitioners are no way involved. An exaggerated complaint has been given against these petitioners. As mentioned earlier, even the grandchild by name, Abinash has been implicated as an accused. The Hon'ble Supreme Court in **Preeti Gupta Vs. State of Jharkhand (2010) 7 SCC 667** has observed that it is a common knowledge that in a case of matrimonial dispute it is a tendency of the wife and the other parties to implicate all the relatives and roped them in the criminal offence. The Hon'ble Supreme Court further observed that the Court must evaluate the events more carefully and scrutinies the materials. By taking advise of the Hon'ble Supreme Court, when we go through the allegations made in the First Information Report, it is seen that it is exaggerate and bald allegations.

8. I am of the considered view that the proceedings against these petitioners if allowed to go on, it will amount to clear abuse of process of law. So, the proceedings against the petitioners are liable to be quashed.

9. Accordingly, the FIR in Crime No.3 of 2019 on the file of the first respondent, is hereby, quashed and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed. The investigation may go on, against the first accused is concerned.

Sd/-

Assistant Registrar (T&P)

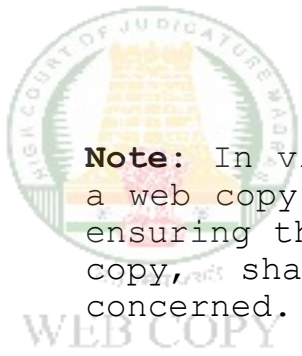
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Sub Assistant Registrar(CS)

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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 Women Police Station,
Paramakudi,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.3375 of 2021

and

Crl.MP(MD)Nos.1855 & 4096 of 2021

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MGJ(04.10.2021) 4P 3C