



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.6195 of 2021

and

Crl.M.P. (MD)No.3557 of 2021

WEB COPY

1.Ibrahim
2.Maideen
3.Mumtaj
4.Kamaludin
5.Hussain

... Petitioners/Accused 1 to 5

vs.

1.The State represented by
The Inspector of Police,
All Women Police Station,
Manapparai, Trichy District.
(Crime No.8 of 2019)

... 1st Respondent/Complainant

2.Sharmila

... 2nd Respondent/
De-facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for the entire records in Crime No.8 of 2019 pending on the file of the first respondent and quash the same.

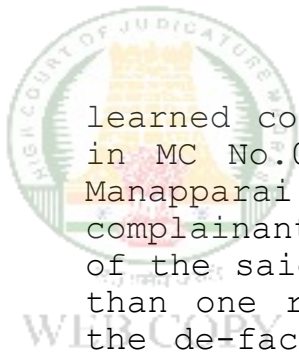
For Petitioners	: Mr.M.Pitchai Muthu
For Respondents	: Mr.T,Senthil Kumar, Additional Public Prosecutor for R1 Mr.A.Azhageson for R2

O R D E R

This criminal original petition has been filed to quash the FIR in Crime No.8 of 2019 registered on the file of the first respondent. The de-facto complainant has given a complaint against the petitioners herein and an FIR registered for the offences under Sections 294(b), 323, 498(A) and 506(1) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2.The learned counsel appearing for the petitioners reiterated all the contentions set out in the memorandum of grounds.

3.In the very nature of the things, it is not possible for this Court to go into the merits. Consideration of the contentions of the petitioners would involve a factual probe. Of course, the



learned counsel for the petitioners drew my attention to the order in MC No.03/2020 on the file of the learned Judicial Magistrate, Manapparai. In the said order, the request of the de-facto complainant for her maintenance has been denied. But on the strength of the said order, I cannot quash the impugned FIR. It is for more than one reason. The said order was passed only on 30.09.2021 and the de-facto complainant can very well file a revision challenging the same. When the said order has not attained finality, it would not be appropriate for this Court to place reliance on the same.

4. Leaving open the petitioners' contentions and defences, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

csn

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, Manapparai

2.The Inspector of Police,
All Women Police Station,
Manapparai, Trichy District.

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

+1 CC to M/s.A.AZHAGESON, Advocate (SR-38052[F] dated 09/12/2021)

CrI.O.P. (MD)No.6195 of 2021

and

CrI.M.P. (MD)No.3557 of 2021

07.12.2021

PS (CO)

GC (06.01.2022) 2P 5C