



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 30.06.2021

DELIVERED ON : 09.07.2021

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**

Crl.O.P.(MD)No.13065 of 2020

CRL.M.P(MD).No.5969 of 2020

1.Ponram

2.Kannan

... Petitioners/Accused 3&4

Vs.

1. The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.
Crime No.4 of 2020.

2.Muzhunila

... Respondents/De-facto Complainants

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertains to impugned FIR in Crime No.4 of 2020 on the file of the first respondent Police Station and quash the same in so far as the petitioners are concerned.

For Petitioner : Mr.R.Gowrisankar

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor for R1

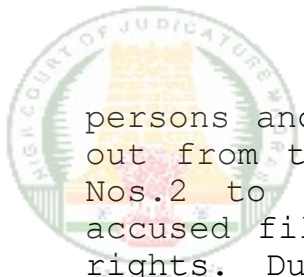
Mr.D.Balamuruga Pandi for R2

O R D E R

This petition has been filed to call for the records pertains to impugned FIR in Crime No.4 of 2020 on the file of the first respondent Police Station and quash the same in so far as the petitioners are concerned.

2.The case of the prosecution is that the first accused and the defacto complainant, who is the second respondent herein, are the husband and wife. The second accused is the mother-in-law of her husband; third accused is the Maternal Uncle of her husband; fourth accused is the Maternal Uncle's son; Accused Nos.5 and 6 are the Sister's husband and sister of her husband; A7 is the daughter-in-law of her husband's paternal uncle; A8 is the second wife of the first accused, who illegally married him.

3. On 02.11.2014, the marriage took place between the first accused and the second respondent herein and a female child was born on 30.11.2016. She was harassed and abused by all the accused



persons and they have demanded more money from her. She was driven out from the matrimonial house. At the instigation of the accused Nos.2 to 7, the first accused left her. Thereafter, the first accused filed a petition in H.M.O.P.No.59 of 2018 seeking conjugal rights. During the year 2019, she came to know that the first accused illegally married the 8th accused and gave birth a child. Further, she was attacked by all the accused persons and also tried to kill her. Therefore, she gave a complaint before the police and during the enquiry, the accused persons undertook to take care of the second respondent. Again on 01.05.2019, she was driven out from the house by the accused persons. Therefore, she made a complaint on 10.05.2019 before the All Women Police Station, Vadamadurai. On 23.06.2019, the accused Nos.1 to 8 threatened her through over phone. Based on the complaint given by the second respondent, the first respondent registered a case in Crime No.4 of 2020.

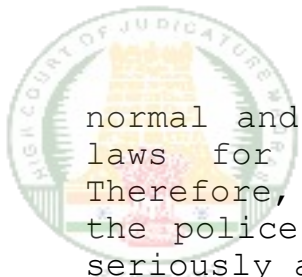
4. Seeking quashment of the First Information Report, the accused Nos.3 and 4 are before this Court by way of filing this petition mainly on the ground that the first petitioner was working as Masson in Thiruchur at Kerala for the past 25 years and the second petitioner was studying B.Sc. Electronics in Erode Arts & Science College, Erode from the year 2015 to 2018. On the alleged date of occurrence, they were not at all present in the place of occurrence and they have not involved in the occurrence.

5. Even though notice has been served on the second respondent, there was no representation on behalf of the second respondent.

6. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the first respondent.

7. It is a case of matrimonial dispute between the defacto complainant and the first accused namely Murugan. They gave birth a child also. Now, according to the defacto complainant, the first accused, at the instigation of the other accused persons, has harassed her and driven out her from the house. The first petitioner, who is the third accused in this case, is the maternal uncle of her husband and the second petitioner, who is the third accused in this case, is the maternal uncle's son. So, these two persons have been roped into this case with an allegation that they have instigated the first accused and abated the commission of the offence. Therefore, a reading of the entire complaint shows that some exaggerated grounds have been made by the second respondent against these petitioners.

8. It is pointed out by the Hon'ble Supreme Court of India in the case of ***PREETHI GUPTA AND ANOTHER vs. STATE OF JHARKHAND AND ANOTHER*** in ***CRL.A.No.1512 of 2010 (Arising out of SLP(CRL).No.4684 of 2009)*** to the effect that in the case of matrimonial dispute, it is



normal and usual for the wife to make a complaint against the in-laws for roping them into the offence with ulterior motive. Therefore, the Hon'ble Supreme Court of India has given advise to the police officer as well as the Courts to take up these matters seriously and scrutinize the materials with utmost care and caution. When we apply these directions to the facts narrated in the First Information Report, we can only come to the conclusion that the petitioners have been roped in this case with ulterior motive. As mentioned earlier, these petitioners were not residing in the matrimonial home of the second respondent. In the absence of any such facts, the question of harassment, at the instigation of the petitioners, does not arise at all and the allegation made in the complaint appears to be improbable. Therefore, I am of the considered view that it is a fit case to quash the First Information Report against these petitioners.

9. Accordingly the Criminal Original Petition is allowed and Crime No.4 of 2020 pending on the file of the 1st respondent Police stands quashed insofar as these petitioners are concerned. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssb

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,
Vadamadurai,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.GOWRI SHANKAR, Advocate (SR-22041[F] dated 12/07/2021)

RKN (28.07.2021) 3P 4C