



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2021

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.12989 of 2021

and

Crl.M.P. (MD)No.6677 of 2021

1.Arun Pradeep
2.Sadasivam
3.Illavarasi

... Petitioners/Accused 1 to 3

vs.

1. State represented by
The Inspector of Police,
All Women Police Station,
Karur District, Karur.
(Crime No.27 of 2020)

... Respondent/Defacto Complainant

2. Kaviya

... Respondents/Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for the records pertaining to the impugned FIR in Crime No.27 of 2020 dated 08.12.2020 on the file of the first respondent and quash the same as illegal as against the petitioners.

For Petitioners : Mr.T.Lajapathi Roy

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R1

Mr.S.Gokul Raj for R2

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.27 of 2020 registered on the file of the first respondent.

2. The learned counsel appearing for the petitioners reiterated all the contentions set out in the memorandum of grounds. He placed particular reliance on the decision reported in **(2021) 1 MLJ (Cr1) 369 [Nargis Banu and others vs. The State]**. He submitted that very registration of the impugned FIR is an abuse of legal process and deserves to be quashed.



3. Per contra, the learned Additional Public Prosecutor appearing for the first respondent as well as the learned counsel appearing for the de-facto complainant submitted that the petitioners have rushed to this Court at a very initial stage. According to them, no case for quashing has been made out.

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4. I carefully considered the rival contentions and went through the materials on record.

5. The marriage between the first petitioner and the de-facto complainant took place on 30.11.2017. A male child was also born through the wedlock. The parties are living separately since October 2020. The de-facto complainant alleges that her father gifted 80 sovereign of gold at the time of wedding. According to the first petitioner, the petitioner's father had given only 9 sovereign of gold. This contentious issue cannot be resolved at this stage, in exercise of jurisdiction under Section 482 Cr.P.C. The case of the de-facto complainant is that she was subjected to cruelty. The de-facto complainant had also alleged that the first petitioner is having illicit intimacy with one Abirami. The investigation is still at an initial stage. It is not appropriate for this Court to scuttle the same as held by the Honourable Supreme Court in a recent decision reported in **AIR 2021 SC 1918 (Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and others)**. When the investigation is in respect of a matrimonial complaint, the Court must be more careful.

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

7. The first respondent is directed to file the final report within a period of four months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

csm/mga

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1. The Inspector of Police,
All Women Police Station,
Karur District, Karur.

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

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-37241[F] dated
03/12/2021)

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-37274[F] dated 03/12/2021)

Crl.O.P. (MD) No.12989 of 2021

and

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USK (17.12.2021) 3P 5C