



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 20.01.2021

PRESENT

THE HONOURABLE MRS .JUSTICE R.HEMALATHA

CRL OP(MD)No.15507 of 2020

and Crl.M.P. (MD)Nos.7563 & 7564 of 2020

- 1.TP.Chockalingam
2.Periyasamy
3.Rajeshwari
4.Vairavasamy
5.Gokul
6.Anjesh

... Petitioners

Vs

- 1.The State
Rep.by the Sub-Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.

- 2.Sangamithirai

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.153 of 2020 pending on the file of the Principal District Munsif-cum-Judicial Magistrate, Karaikudi in Crime No.5 of 2020 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.J.Anandakumar

For R1 : Mr.A.Robinson,
Government Advocate(Criminal side)

ORDER

The present petition is filed under Section 482 of Code of Criminal Procedure for seeking to quash the case in C.C.No.153 of 2020 on the file of the learned Principal District Munsif cum Judicial Magistrate, Karaikudi.

2.The first respondent/Sub Inspector of Police, All Women Police Station, Karaikudi, Sivagangai District, based on a complaint lodged by the second respondent, registered First Information Report in Crime No.5 of 2020 on 16.05.2020 and after full investigation laid a final report before the learned Principal District Munsif cum Judicial Magistrate, Karaikudi in C.C.No.153 of 2020 for the offences under Sections 294(b), 498(A) and 506(i) of Indian Penal Code. Aggrieved over the final report filed by the Police, the accused 1 to 6 have filed the present petition seeking to quash the entire proceedings on the following grounds:

i)The defacto complainant lodged a false complaint against the petitioners as a sequel to a divorce petition filed by the first



petitioner in H.M.O.P.No.779 of 2020 before the Family Court, Madurai.

ii)The first respondent in utter disregard of guidelines of the Hon'ble Supreme Court as regards matrimonial disputes, had filed a final report and the contents of the final report would not also disclose any cognizable offence.

3.Mr.A.Robinson, learned Government Advocate(Criminal side), who accepts notice on behalf of the first respondent, would contend that the investigation has been properly conducted in this case and that there is no good ground to quash the entire proceedings in C.C. No.153 of 2020.

4.A perusal of the complaint and statements recorded by the police, *prima facie* makes out a case under Sections 294(b), 498(A) and 506(i) of Indian Penal Code. It is settled law that final report cannot be quashed until there is no offence spelt out in the final report. It is also settled law that the final report cannot be quashed based on the veracity of the allegations made in the 161 (3) of Code of Criminal Procedure statements.

5.The contention of the petitioners that the final report is filed only as a sequel to the H.M.O.P.No.779 of 2020 filed by the first petitioner cannot be accepted and based on such presumptions, the entire proceedings in C.C.No.153 of 2020 cannot be quashed.

6.In the facts and circumstances, I do not see any reason to quash the final report. The Trial Court is directed to dispose of the case in C.C.No.153 of 2020 as expeditiously as possible uninfluenced by any of the observations made in this proceedings. Since the second and third petitioners are parents-in-law of the defacto complainant and they are senior citizens, the personal appearance of the second and third petitioners is dispensed with. However, they must appear before the learned Judicial Magistrate, Karaikudi whenever their presence is required.

7.With the above observation, the present criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



gns

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 Principal District Munsif
cum Judicial Magistrate,
Karaikudi.
- 2.The Sub-Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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