



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.17197 of 2021

and

Crl.M.P. (MD)No.9347 of 2021

WEB COPY

1.Gopikumar
2.Baskar @ Baskaran
3.Remi
4.Amutha @ Amutharani

... Petitioners

Vs.

1.The Inspector of Police,
All Women Police Station,
Virudhunagar,
Virudhunagar District.
(Crime No.15 of 2021)

2.Mary

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the proceedings of the FIR in Crime No.15 of 2021 dated 06.09.2021, on the file of the 1st respondent.

For Petitioners : Mr.Mani Anandh.P
For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor for R1.

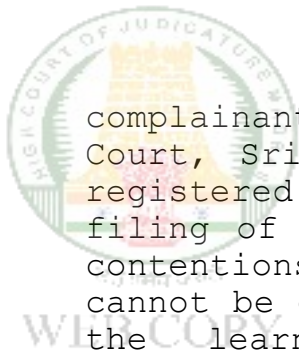
O R D E R

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

2.The petitioners are figuring as accused in Crime No.15 of 2021 registered on the file of the first respondent. To quash the same, this criminal original petition has been filed.

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

3.It is seen that the marriage between the first petitioner and the defacto complainant took place on 25.08.2019. The parties are christians. The petitioners would contend that the second respondent moved quite a few authorities and that she could not succeed. Ultimately, she filed a petition under Section 156(3) of CrPC and based on the direction of the jurisdictional Magistrate, the impugned FIR came to be registered. It is also stated that the first petitioner has filed a divorce petition against the defacto



complainant in I.D.O.P.No.60 of 2021 on the file of the District Court, Srivilliputhur. He would state that the impugned FIR was registered after the defacto complainant came to know about the filing of the divorce petition. Though there may be merit in the contentions of the petitioners' counsel, I am afraid that they cannot be gone into in a quash petition. As rightly pointed out by the learned Additional Public Prosecutor, considering the petitioners' contentions would involve going into factual aspects. Such an exercise cannot be undertaken while exercising the powers under Section 482 of CrPC. Therefore, upholding the objections raised by the learned Additional Public Prosecutor, this criminal original petition is dismissed. I make it clear that I have not gone into the merits of the matter. All the contentions of the petitioners are left open. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

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

Crl.O.P(MD)No.17197 of 2021
08.11.2021

PK(CO)
GC/SKN(23.11.2021) 2P 3C