



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl O.P.(MD)No.17943 of 2021

and

Crl M.P.(MD)No.9790 of 2021

1.Syed Mafiya Hanif

2.Mohideen Askar Nawas

... Petitioners/

Accused 3 & 4

Vs.

1.The State represented

The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
(Crime No.4 of 2021)

... 1st Respondent/
Complainant

2.Munira

... 2nd Respondent/
De-facto Complainant

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to the proceedings of First Information Report in Crime No.4 of 2021 on the file of the first respondent police and quash the same.

For Petitioners : Mr.K.P.Narayanakumar

For Respondents : Mr.Senthil Kumar.T

Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed for quashing the FIR in Crime No. 4 of 2021 registered on the file of the first respondent for the offences under Section 498(A) and 406 IPC and Sections 4 & 6 Dowry Prohibition Act,1961.

2. The petitioners' are in-laws of the de-facto complainant. The learned Counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds and contended that the petitioners have nothing to do the offences alleged in the FIR.



3. The Additional Public Prosecutor pointed out that, not only in the FIR but also in the statement recorded under Section 161 Cr.P.C, the petitioners' have been subsequently implicated. If I consider the contentions of the petitioners that would involve embarking on a factual enquiry. While exercising jurisdiction under Section 482 Cr.P.C I cannot do so.

4. The Hon'ble Supreme Court recently held that the investigation should not be interfered at the initial stage. Leaving open to the petitioners' all the contentions and defences are left open. This Criminal Original Petition stands dismissed accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mga/csm

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,
Nagercoil, Kanyakumari District.

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

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-36388[F] dated 29/11/2021)

Crl O.P. (MD)No.17943 of 2021

and

Crl M.P. (MD)No.9790 of 2021

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MA(CO)

SP(03-12-2021) 2P 4C
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