



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.18842 of 2021

and

Crl.M.P.(MD)No.10448 of 2021

1.Arun Kumar
2.Ayyappan
3.Uma Rani
4.Asok Kumar
5.Hema

... Petitioners/Accused 1 to 5

Vs.

State Rep by

1.The Inspector of Police,
All Women Police Station,
Theni District.
(In Crime No.41 of 2021)

... 1st Respondent/Complainant

2.Hemalatha

... 2nd Respondents/Defacto
Complainant

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.41 of 2021 dated 20.10.2021 on the file of the 1st respondent as against the petitioners

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

O R D E R

This criminal original petition has been filed to quash the impugned FIR in Crime No.41 of 2021 registered on the file of the first respondent for the offences under Sections 498(A), 294(b), 406, 323, 109 and 506(i) of IPC and Section 4 of Dowry Prohibition Act.

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

3.As rightly pointed out by the learned Additional Public Prosecutor, consideration of the aforesaid contentions would involve undertaking a factual probe. Under Section 482 of CrPC, I cannot do



so. The Hon'ble Supreme Court in the decision reported in **AIR 2021 SC 1918 (M/s.Neeharika, Infrastructure Pvt. Ltd., vs The State Of Maharashtra and Another)** has held that the investigation cannot be scuttled at the initial stage.

4. Leaving open the petitioners' contentions and defences, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// 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,
Theni District.
2. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

Crl.O.P(MD)No.18842 of 2021
30.11.2021

NSN(CO)
KB(09.12.2021) 2P 3C