



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.1661 of 2019

and

Crl.M.P.No.1050 of 2019

1.Y.Ranjith
2.Lalitha Bai
3.Yuvaraj
4.Anuratha

...Petitioner/Accused 1 to 4

-vs-

1.The Inspector of Police,
W-20, AWPS,
Saidapet,
Chennai - 600 015.
(FIR No.10 of 2018)

...1st Respondent/Complainant

2.R.Bharathi

...2nd Respondent/De-facto Complainant

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C, praying to call for the records comprised in the proceedings of the First Respondent in FIR No.10 of 2018, dated 08.12.2018 and quash the same.

For Petitioner : Mr.S.Suresh

For Respondent 1 : Mr.R.Vinoth Raja
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed to quash the First Information Report in Crime No.10 of 2018, dated 08.12.2018 on the file of the First Respondent.

2.Learned Counsel for the Petitioners submitted that nowhere in the complaint the allegation of cruelty or preach of trust had been mentioned and hence, the ingredients of either Section 498A or 406 of IPC will not attract against the Petitioners and hence, the registration of FIR under these provisions is without any basis. He further submitted that the



First Petitioner and the Second Respondent/De-facto Complainant had been separated through decree of Civil Court and the Second Respondent/De-facto Complainant had also contracted second marriage. Therefore, he prays for quashing of the FIR in Crime No.10 of 2018 registered against the Petitioners.

3.Learned Government Advocate (Crl. Side) appearing on behalf of the Prosecution vehemently opposed for allowing this Petition.

4.On perusal of the First Information Report, it is found that the ingredients of Section 498A and 406 of IPC are not at all made out. Further, the First Petitioner and the Second Respondent/De-facto Complainant had been separated through decree of Civil Court and the Second Respondent/De-facto Complainant had also contracted second marriage. Under these circumstances, the vehement objection of the learned Government Advocate (Crl. Side) to quash the FIR is found unreasonable and unacceptable since no materials had been found in the complaint and in the First Information Report. Therefore, the First Information Report in Crime No.10 of 2019 is liable to be quashed as the pendency of this First Information Report will not serve any purpose.

In the result, this Criminal Original Petition is allowed and the First Information Report in Crime No.10 of 2019 is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

SRM

To

1. The Inspector of Police,
W-20, AWPS,
Saidapet,
Chennai - 600 015.
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.1661 of 2019

PL (CO)
PR (11/04/2022)