

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :25.03.2022

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.2626 of 2019

and

Crl.M.P.No.1700 of 2019

R.Dinesh

.. Petitioner /Accused

/versus/

1.The Inspector of Police,
AWPS, W-8,
Thirumangalam, PS,
Chennai.

2.P.Preneetha .. Respondents/Complainant/Defacto Complainant

Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code praying to call for the records in connection with FIR in Crime No.24 of 2018 pending on the file of the Inspector of Police, All Women Police Station, Thirumangalam, Chennai and quash the same.

For Petitioner :No appearance

For Respondents:Mr.S.Santhosh,
Govt.Advocate(Crl.Side) for R1
Mr.R.Rajan for R2

O R D E R

This petition has been filed to quash the First Information Report dated 21.12.2018 filed by the wife against the husband and in-laws and registered First Information Report No.24 of 2018.

2.The petition to quash is filed on the ground that the impugned proceedings in Cr.No.24 of 2018 is nothing but abuse of process of law and it is vexatious and also not maintainable. The reason for such assertion is that the allegations contended in the complaint will not stand the test of trial and only disclose

the attitude of the defacto complainant to harass the petitioner's husband in one way or other and to wreck vengeance against the petitioner and his well wishers, the ill-motive design and demeanour of the complainant can be seen from the complaint by reading it as a whole and it will not constitute any element of offence against the person.

3.The learned counsel appearing for the defacto complainant, who is the second respondent herein ,would submit that matrimonial dispute between the petitioner and the defacto complainant could be seen from various proceedings before the Court of law and attempt to settle the dispute amicably through Mediators. The defacto complainant being aggrieved by the highhandedness of the petitioner herein and his family members had given the complaint on 21.12.2018 alleging sexual harassment, dowry harassment and abuse and also ill-treatment. The respondent police has registered First Information Report under Section 294(b), 323 and 498(A) of IPC, in view of the materials available constituting required ingredients of the above offence. While so by filing the petition to quash and obtaining stay, the second respondent is left with legal course.

4.This Court, on perusing the First Information Report, finds that it is not a fit case to quash without investigation. Following the guidelines of the Hon'ble Supreme Court in State of Haryana v. Bhajan Lal reported in (1992 Supp (1) SCC 335) and other cases, this Court dismisses the quash petition. The respondent police is directed to complete the investigation, within a period of two months from the date of receipt of a copy of this order and to file a final report.

5.In the result, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

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To:

1.The Inspector of Police,
AWPS, W-8,Thirumangalam, PS,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Subbiah, Advocate SR.No.20772

+1cc to Mr.G.P.Kothandaraman, Advocate SR.No.20880

Cr1.O.P.No.2626 of 2019

and

Cr1.M.P.No.1700 of 2019

RSI(CO)

CB(06/04/2022)