



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2022

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

CRL.O.P.NO.6345 OF 2019

1.Jothilingam

2.K.Sivakolunthu

3.Dr.Prathap

4.Prasanth

..Petitioners

Vs.

1. The State rep by
The Inspector of Police,
All Women Police Station,
Vridhachalam,
Cuddalore District
(Crime No.32 of 2019)

2. M.V.Ramapriya

..Respondents

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C.
praying to stay further investigation of the case in Crime No.32
of 2018 on the file of the 1st respondent police pending disposal
of accompanying quash petition.

For Petitioners : Mr.P.Nagaraju

For Respondents : Mr.N.S.Suganthan
Government Advocate (crl.side) for R1

No appearance for R2

O R D E R

The petitioners herein are the accused in Crime No.32
of 2018 on the file of the All Women Police Station,
Vridhachalam. Based on a complaint given by one Rama Priya,



F.I.R. was registered for the alleged offences under Section 498 (A), 420, 294(b) and 506(i) of IPC.

2. It appears that the petitioners herein had obtained anticipatory bail from this Court and thereafter, the petition in CrI.O.P.No.6345 of 2019 has been filed to quash the said F.I.R. This Court on 08.03.2019 at the time of admission granted interim stay of further proceedings.

3. When the matter came up for further hearing on 06.06.2022, the learned Government Advocate (CrI. Side) for the 1st respondent submitted that even prior to the grant of stay by this Court, investigation was completed and the final report has been filed before the Judicial Magistrate No.I, Vridhachalam. Later on, the same was taken on file by the concerned Magistrate and C.C.No.80 of 2020 has been assigned.

4. In view of the above statement, this Court directed the learned Government Advocate (CrI. Side) to produce the CD file to ascertain the facts from the records. Accordingly, the CD file produced. The perusal of the CD file indicates that the final report in this case is dated 10.01.2019, however, it is not clear when the final report was filed before the concerned Magistrate. It is now stated across the bar that after rectifying the defects, the final report was taken on file on 03.09.2020 and C.C.No.80 of 2020 was assigned.

5. As far as the allegations and the defence taken by the petitioners herein to quash the said complaint, the learned counsel for the petitioners submitted that the defacto complainant came in contact with the 1st accused / Dr.Prathap through Face book, but later the 1st accused came to know about the earlier marriage of the defacto complainant with one Selvaganapathy, which was dissolved. Suppressing the said fact, the second marriage was conducted on 25.05.2018 with the 1st accused. When this came to light, the 1st accused, who is the 3rd petitioner herein filed a divorce petition and the same is pending. To counter blast the same, a frivolous complaint alleging that dowry harassment, cheating, abuse and intimidation is filed. Since the modus operandi of the defacto complainant, which enticed the persons with financial background and thereafter extracted money. The First Information Report is liable to be quashed for containing false and imaginary allegations.

6. The learned counsel for the petitioners further submitted that the complaint does not make out any offence under the provisions of harassment and cheating except the 3rd petitioner, who is the husband of the defacto complainant. The other petitioners, who are arrayed as accused, have nothing to



do with the matrimonial affair of the defacto complainant and there is no specific allegations made out against them. Therefore, the criminal proceedings cannot be allowed to go on against them and if it proceeds it will amount to abuse of process of law and would cause serious prejudice.

7. This Court, on considering the averments and on perusal of the records, finds that the contention of the defacto complainant as found in the F.I.R is that the marriage was not consummated due to physical incapacity of the 3rd petitioner. She was subjected to cruelty in her in-laws house and also intimidated with dire consequences, when she refused to leave the matrimonial home. This First Information Report came to be registered on 19.12.2018, final report was filed on 10.01.2019. The CD file does not reveal an impartial and complete investigation. Final report is filed anticipating interference of this Court and also it is to be noted that the said CD file dated 10.01.2019, but taken on file on 03.09.2020. In the mean time, this Court has granted interim stay on 08.03.2019.

8. In the light of the above fact, this Court set aside all the proceedings which has been taken place subsequent to the interim order and as far as the F.I.R is concerned, the respondent police is hereby directed to conduct fair and proper investigation and file final report, if there is any cognizable offence is made out or close the same after giving proper notice to the parties to get appropriate legal remedy. The investigation shall be completed within a period of three months from today.

9. In the result, C.C.No.80 of 2020 on the file of the Judicial Magistrate No.I, Vridhachalam, which was taken on file while interim stay was pending is hereby quashed.

10. With the above directions to the Investigating Officer, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpl



To

1. The Inspector of Police,
All Women Police Station,
Vridhachalam,
Cuddalore District.

2. The Judicial Magistrate No.I, Vridhachalam.

3. The Public Prosecutor,
High Court of Madras,
Chennai.

+1cc to Mr.P.Nagaraju, Advocate, S.R.No.32893

Cr1.O.P.No.6345 of 2019

RLD (CO)
PM/21/06/2022