



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.8832 of 2019

and

Crl.M.P.No.4669 of 2019

1. E.K.Dhanasekar

2. D.Tharabi

... Petitioners/Accused 2&3

Vs.

1. The State Represented by its
Inspector of Police,
All Women Police Station,
Adyar, Chennai - 600 020.

2. G.Manju

... Respondents/Complainant 1&2

PRAYER: Criminal Original Petition had been filed under Section 482 of Cr.P.C, praying to call for the records relating to the Crime No.1 of 2019, on the file of First Respondent and quash the same.

For Petitioners : Mr. R. Krishna Prasad
for M/s.Sarvabhauman Associates

For Respondents : Mr. S.Vinoth Kumar (For R1),
Government Advocate (Crl. Side)
Mr. G.Balasubramanian (For R2)

ORDER

This Petition had been filed to quash the FIR in Crime No.1 of 2019 on the file of the First Respondent.

2. When the case came up for hearing on 11.04.2022, the learned Counsel for the Petitioners sought time for reporting settlement.

3. The learned Counsel for the Second Respondent/De-facto Complainant submitted that the son of the Petitioners 1 and 2 is employed in Hong Kong. The First Petitioner is the Power of



Attorney of the son of the Petitioners, in the case which is filed and is pending before the Family Court and another case which is pending under Domestic Violence Act. The Second Respondent/De-facto Complainant had been examined as a witness and she was not cross examined by the Counsel for the Petitioners herein who are the Respondents in those proceedings. Therefore, the learned Counsel for the Second Respondent/De-facto Complainant vehemently objects the continuation of the stay on the basis of previous hearings.

4. At that time, the learned Government Advocate (Crl. Side) for the Prosecution also submitted that at the time of admission stage, interim stay was granted directing the Investigation Officer to proceed with the investigation against the First Accused/Husband of the Second Respondent and file a final report within a period of three months from the date of receipt of copy of the order and further investigation has been stayed insofar as these Petitioners are concerned.

5. In the meanwhile, during the pendency of this Petition, the Investigation Officer had completed the investigation and the final report was yet to be filed before the Court concerned. Hence, for clarification, this Court had posted the case to 27.4.2022.

6. On 27.4.2022, when the case came up for hearing, the learned Counsel for the Petitioners submitted that the Petitioners 1 and 2 are the Father-in-law and the Mother-in-law of the Second Respondent/De-facto Complainant and they are in no way connected with the allegations made in the complaint. Therefore, he sought to quash the FIR filed under Section 498 (A) of IPC, which was vehemently objected by the learned Counsel for the second Respondent/De-facto Complainant and also by the learned Government Advocate (Crl. Side) for the Prosecution.

7. The learned Government Advocate (Crl. Side) submitted that the FIR need not contain all the details, as it is only to invoke the criminal law in motion. When the Investigation Officer proceeds to collect the materials regarding alleged offence. In the due course of investigation, the Investigation Officer have collected materials incriminating the Petitioners herein and the final report of the investigation is ready.

8. At that stage, the learned Counsel for the Petitioners submitted that the matter is likely to be settled, which was objected by the learned Counsel for the second Respondent/De-facto Complainant stating that there are arrears of maintenance for a sum of Rs.1,25,000/- (Rupees One Lakh Twenty-five Thousand only). For settling the same, time was granted till today i.e., 29.04.2022. It was clearly warned that, if the amount was not



settled till then, this Criminal Original Petition will be dismissed and appropriate orders will be passed.

9. Today, when the case came up for hearing, the learned Counsel for the Petitioners sought further time. That cannot be granted. The learned Counsel for the second Respondent/De-facto Complainant filed Memo stating that no amount had been settled regarding arrears of maintenance till today.

10. In the light of the above observations and the submissions of the learned Government Advocate (Crl. Side) for the Prosecution that investigation had been completed and only due to the Criminal Original Petition pending before this Court, the Investigation Officer was unable to file final report before the Court concerned, this Petition is dismissed with the direction to the Investigation Officer to file the report before the Court concerned within a reasonable period of two months from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

sha

To

1. The Inspector of Police,
All Women Police Station,
Adyar, Chennai - 600 020.
2. The Public Prosecutor
High Court, Madras.

+1cc to M/s.Sarvabhauman Associates, Advocate, S.R.No.30791

Crl.O.P.No.8832 of 2019
and
Crl.M.P.No.4669 of 2019

PA (CO)
SU(25/05/2022)