



CrI.O.P.No.8148 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2022

CORAM

THE HON'BLE **Dr.JUSTICE G.JAYACHANDRAN**

CrI.O.P.No.8148 of 2019

Yuvaraj

... Petitioner

Vs.

1.State Rep.by
The Sub Inspector of Police,
All Women Police Station,
Tambaram.
Crime No.13 of 2018

2.R.Priyadharshini

... Respondents

Prayer:- Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records pertaining to F.I.R., in Crime No.13 of 2018 from the file of respondent police and quash the same.

For Petitioner	: Mr.K.Perumal
For R1	: Mr.N.S.Suganthan Government Advocate (CrI.Side)
For R2	: Mr.A.P.Sathiyamurthy

ORDER

This Criminal Original Petition is filed to quash the criminal complaint in Crime No.13 of 2018 on the file of All Women Police



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Station, Tambaram.

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2. It is a dispute between the husband and wife, wherein in the complaint it is alleged that the *de facto* complainant and the petitioner got married on 06.05.2013 and due to difference of opinion, they are living separately for the past six months. The petitioner caused notice dated 16.08.2018 seeking consent for divorce. Hence the *de facto* complainant along with her parents went to the petitioner's house to rejoin him. However, the petitioner, his parents, brothers and sisters abused her in filthy language and pushed her out. She called police help by dialing 100 and they came and enquired and directed the *de facto* complainant to approach All Women Police Station. Thereafter, she has given a complaint to All Women Police Station in C.S.R.No.500 of 2018. After two months, on completion of enquiry, F.I.R., has been registered in Crime No.13 of 2018, for the offence under Sections 406, 294, 323 of I.P.C., and 4 of Tamil Nadu Prohibition of Harassment of Women Act.

3. When the petition to quash the First Information Report came up for consideration, this Court on 08.08.2019, passed an interim



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direction to the effect that the petitioner herein shall pay a monthly maintenance of Rs.3,500/- directly to his child, who is 5 years old. The petitioner and the *de facto* complainant shall appear before the Medication Centre on 20.08.2019 to work out amicable settlement. Meanwhile, investigation in Crime No.13 of 2018 shall remain stayed. From the Mediation report, this Court finds that the parties did not arrive at any settlement. The petitioner has not paid the maintenance amount as directed by this Court.

4. The learned counsel for the petitioner would submit that as per the direction of this Court, the petitioner deposited Rs.3,500/- for four months till the break down of the mediation talk. Since the *de facto* complainant questioned the paternity of his child, the petitioner stopped paying the interim maintenance. It is further submitted that though there was no formal recording of compromise, the *de facto* complainant on her own volition rejoined the petitioner and she was living with him for some period and also given a letter to the 1st respondent police to close her complaint. In spite of that, the 1st respondent has filed a final report which has been taken on file by the learned Judicial Magistrate-II, Tambaram in



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C.C.No.51 of 2020.

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5. Records perused. Submissions made by the learned counsel heard.

6. The complaint which has now led to file final report in C.C.No.51 of 2020 on the file of the learned Judicial Magistrate-II, Tambaram is in respect of an incident which was alleged to have taken place on 18.08.2018. There is a specific allegations against the petitioner herein and others regarding breach of trust, causing hurt and harassment. The petitioner herein who has approached this Court seeking interference and protection had breached the direction given by this Court. He has conveniently stopped to pay maintenance for the child on the pretext that the *de facto* complainant has disowned his paternity, however at the same time wants to enjoy the interim order of stay granted by this Court.

7. The Investigating Officer, who found that there is no compliance of the Court order and mediation has failed, has completed the investigation and filed the final report.



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8. The learned counsel for the petitioner, who wants to take advantage of the subsequent development in the affairs, has failed to impress upon this Court, since the subsequent development of compromise or reunion did not long last and did not indicate that the petitioner generally rejoined his wife. It is alleged that he had driven his wife out again after his ulterior object got achieved. These facts have to be decided in the course of trial. The complaint which has culminated in filing the final report indicates *prima facie* material to try the petitioner.

9. Hence this Criminal Original Petition to quash is dismissed.

31.10.2022

rpl

Index: Yes/No

Speaking Order/Non Speaking Order

To

1.The Sub Inspector of Police,
All Women Police Station,
Tambaram.

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

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Dr.G.JAYACHANDRAN, J.

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