



WEB COPY



CrI.O.P.No.7647 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

CrI.O.P.No.7647 of 2021
and CrI.M.P.No.5065 of 2021

Deepa

... Petitioner

Vs.

1.The State

represented by Sub-Inspector of Police,
Podhanur Police Station,
Coimbatore.

2. Nivethasri

... Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the Fir in Crime No.1149/2020 pending on the file of respondent police under Section 323, 406 & 498 A IPC and quash the proceedings.

For Petitioner : Mr. C.R.Hari

For Respondent-1 : Mr.A.Damodaran, APP

2 : No appearance

ORDER



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This Criminal Original Petition has been filed to call for the records and quash the FIR in Crime No.1149/2020 pending on the file of respondent police.

2. The petitioner / Accused-2 is the co-sister of *de facto* complainant / second respondent. A complaint has been given by the *de facto* complainant on the allegations of marital cruelty and dowry. On the case given by the *de facto* complainant, FIR has been registered in Cr. No.1149 of 2020 for the offences under Section 323, 406, 498(A) IPC.

3. The learned Additional Public Prosecutor appearing for the first respondent submitted that there are certain allegations made against the petitioner and the investigation is pending; hence the FIR should not be quashed.

4. It is seen from the records that the complaint was given by the second respondent / *de facto* complainant by alleging that her husband and his relatives were harassing and ill-treating her in various manner. So far as the petitioner is concerned, there are no specific allegations make against her.



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There is only one line reference about the petitioner in the complaint and the *de facto* complainant has not made any serious allegations as against the petitioner. Since the petitioner is also the daughter-in-law like the petitioner, she was also residing in the matrimonial home along with the petitioner and there is no specific overt act on the part of the petitioner. Since there is no overt act stated as against the petitioner the case against the petitioner is liable to be quashed.

5. In view of the above, the Criminal Original Petition is allowed and the case in Cr. No.1149 of 2020 pending on the file of the respondent police is hereby quashed. Consequently, connected miscellaneous petition is closed.

Index: Yes/No
Speaking / Non Speaking Order
bkn

26.09.2022



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R.N.MANJULA, J.

bkn

To

- 1.The Sub-Inspector of Police,
Podhanur Police Station,
Coimbatore.
- 2.The Public Prosecutor,
High Court of Madras.

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