



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.8840 of 2019
and
Crl.M.P.No.4674 of 2019

T.Thirunavukarasu ...Petitioner/Accused

Vs.

State by

1.The Inspector of Police,
Steel Plant Police Station,
Steel Plant, Salem City,
Cr.No.296 of 2018

2.Veeramani. ...Respondents/Complainant &
Defacto Complainant

PRAYER: Criminal Original Petition had been filed under Section 482 of Cr.P.C, praying to call for the records concerned in Cr.No.296 of 2018 on the file of Inspector of Police, Steel Plant Police Station, Steel Plant, Salem City and quash the same in so far as the Petitioner is concerned.

For Petitioner : No Appearance

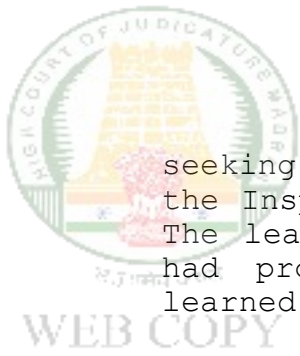
For Respondents : Mr.S.Vinoth Kumar,
Government Advocate

ORDER

This Petition had been filed to call for the records concerned in Crime No.296 of 2018 on the file of Inspector of Police, Steel Plant Police Station, Steel Plant, Salem City and quash the same in so far as the Petitioner is concerned.

2. When the case came up for hearing, there was no representation for the Petitioner / Accused. In the Cause List the names of two Advocates had been printed but none of them appeared.

3. At that time the learned Government Advocate (Criminal Side) submitted that this is the Petition filed by the Accused



seeking to quash the FIR in Crime No. 296 of 2018 on the file of the Inspector of Police, Steel Plant Police Station, Salem City. The learned Government Advocate submits that the investigation had proceeded, and Charge Sheet had been filed before the learned Judicial Magistrate, Additional Mahila Court, Salem.

4. The name of the De-facto Complainant is printed in the Cause List, even though there is no representation for Respondent 2/ De-facto Complainant, considering the submissions of the learned Government Advocate that the Charge Sheet had been filed and taken cognizance by the learned Judicial Magistrate, Additional Mahila Court, Salem, the FIR cannot be quashed at this length of time, and as per the reported ruling of the Hon'ble Supreme Court in State of Haryana and others vs. Bhajan Lal and others, 1992 SCC (Cri.) 426, the FIR or Charge Sheet shall not be quashed leniently by exercising the extraordinary powers available to the High Courts under Section 482 of the Cr.P.C., and it has to be used sparingly.

5. This is the case where the Wife had preferred a complaint against the Husband based on which the FIR had been registered. Considering that the Charge Sheet had been taken on file, it is not a fit case for quashing the FIR. What are all raised on the grounds of this Petition are to be considered as valuable defence available to the Petitioner at the time of Trial before the learned Judicial Magistrate, Additional Mahila Court, Salem.

6. With the above observations, this Petition is dismissed with the direction to the learned Judicial Magistrate, Fast Track/Additional Mahila Court, Salem, to dispose of the case within a reasonable period of three months from the date of receipt of the copy of this order or from the date of uploading of this order on the website of this Court. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Fast Track Additional Mahila Court,
Salem



2.The Inspector of Police,
Steel Plant Police Station,
Steel Plant, Salem City,

3.The Public Prosecutor
High Court, Madras.

Cr1.O.P.No.8840 of 2019
and
Cr1.M.P.No.4674 of 2019

SR(CO)
PR (24/05/2022)