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CrI.O.P.No.17990 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM:

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

CrI.O.P.No.17990 of 2021
and CrI.M.P.No.9890 of 2021

Felicia Reeba Joseph

... Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
W4 Kilpauk All Women Police station,
Chennai.

2. Lydia Devakumar

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Cr. No.11 of 2021 on the file of the first respondent and quash the same.

For Petitioner : Mr. P.Chandrasekar

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

2 : M/s. Gemma Hepsi Beulah

ORDER

This Criminal Original Petition has been filed to call for the records in Cr. No.11 of 2021 on the file of the first respondent and quash the same.



2. The petitioner is the husband's sister of the second respondent / *de facto* complainant. The second respondent has given a complaint on 04.02.2021 but however, no action was taken. Subsequently, by the order of the learned Metropolitan Magistrate -I, Egmore, under Section 156 (3) Cr.P.C., a case was registered in Cr. No.11 of 2021 for the offences under Section 294 (b), 468 (A), 506(1) IPC.

3. The learned counsel for the petitioner submitted that despite the petitioner has been arrayed as an accused, there is no specific allegation against her in the complaint given by the second respondent; since there is no overt act on the part of the petitioner and there is no *prima facie* materials available on record against her to make out this case against the petitioner, the FIR should be quashed as against the petitioner.

4. On perusal of the records, it is seen that the one and only allegation that has been made against the petitioner is that during the month of February 2018, the petitioner met the second respondent and invited her for the function and at that time she asked the second respondent regarding readiness of remaining jewels and money to buy a car. Though it is not the case that the



petitioner had insisted the *de facto* complainant that she should attend the function only if she brought the money or jewels, it is alleged by the second respondent that she did not attend the function since she was not ready with the amount.

5. A very generalised and casual allegation was made against the petitioner though there is no serious materials are placed against her. It is further alleged that the petitioner had forcibly taken away the certificates, passports, etc., kept in locker. The facts stated against the petitioner by the second respondent appeared to be contradictory. Because she had stated that at some point of time the petitioner came and met the *de facto* complainant and invited her to attend the function. In view of the contradictory and generalised statements made against the petitioner, I feel that it is appropriate to quash the FIR as against the petitioner alone.

6. The petitioner is said to have got married and she is residing separately with her husband. The complaint has been given by the *de facto* complainant in view of the matrimonial difference between herself and her husband. Though all the family members of the husband were said to have



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involved in causing harassment and cruelty, there are no strong materials placed to make out such allegations as against the petitioner.

7. It is also seen that the second respondent has filed a petition under Domestic Violence Act in D.V.C. No.84 of 2021 on the file of Additional Mahila Court, Chennai. Even the Court has taken cognizance in respect of DVC case only against the second respondent's husband, his mother and brother. The records does not disclose any specific material as against the petitioner to make out the present case. Hence, I feel that the FIR should be quashed as against the petitioner only.

8. Accordingly, the Criminal Original Petition is allowed and the FIR in Cr. No.11 of 2021 on the file of the first respondent is quashed as against the petitioner alone. Consequently, connected miscellaneous petition is closed.

Index: Yes/No
Speaking / Non Speaking Order
bkn

19.09.2022

To



CrI.O.P.No.17990 of 2021

1.The Inspector of Police,
W4 Kilpauk All Women Police station,
Chennai.

2.The Public Prosecutor,
High Court of Madras.



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R.N.MANJULA, J.

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