



CRL.O.P.No.21481 / 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM

THE HON'BLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.21481 of 2019
and Crl.M.P. No.11097 of 2019

1. Manivannan
2. Sakthi
3. Susila
4. S.Marimuthu
5. Mohana
6. Gowreeswari

... Petitioners

vs.

1. The State represented by
The Inspector of Police,
All Women Police Station,
Namakkal,
Namakkal District.
(Cr. No.13 of 2019)

2. Devaki

... Respondents

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to Crime No.13 of 2019 on the file of respondent and quash the same.



CRL.O.P.No.21481 / 2019

For Petitioners : Mr.C.S.Saravanan
For Respondent-1 : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to call for the records relating to Crime No.13 of 2019 on the file of respondent and quash the same.

2. The petitioners are the accused 1 to 6 respectively. The *de facto* complainant is the wife of the first accused. The second and third accused are the parents of the first accused, the fourth accused is the brother of the first accused and the fifth accused is the wife of the fourth accused and sixth accused is the sister of the first accused. The *de facto* complainant who is the wife of the first accused had given a complaint by alleging that she had been ill treated by the accused and they have demanded dowry of Rs.5,00,000/-.

3. The learned counsel for the petitioners submitted that the *de facto* complainant had given an earlier complaint before the Erode police



by raising the very same allegation; in this regard a case has been registered in C.S.R. No.181 of 2019 and the same has been closed; since the occurrence is said to have been taken place only at Erode, the police at Namakkal have got no jurisdiction on the complaint which has been already closed; despite the allegations of demanding dowry was made, the matter without getting referred to Social Welfare Officer was taken cognizance by police directly.

4. The learned Government Advocate submitted that the earlier complaint has not been closed by recording any findings but on an undertaking given by the couples that they did not wish to live together and that they would workout their remedy before the Court. It is further submitted that the change of jurisdiction alone cannot be the reason to quash the FIR and that can be rectified at any point of time.

5. Despite the learned counsel for the petitioner submitted that the allegations made in the earlier complaint and present complaint are one and the same, the earlier complaint is not produced before the Court. Even if the present complaint is said to have been given on the very same



allegation, the earlier complaint has not been closed on the ground that the allegations are false.

6. The contention of the *de facto* complainant is that she has been tortured physically and emotionally and she could not live with the first petitioner in view of the continuous harassment given to her by all the accused. It cannot be strictly said that all occurrences had taken place only at Erode and no case has been registered at Namakkal. Since the second respondent is living in Namakkal after she came out of the first petitioner's house due to ill treatment, she had given a complaint to the All Women Police Station, Namakkal. It would have been appropriate if a report from the Social Welfare Officer has been obtained before registering the case. But that alone cannot be the sole reason to quash the FIR.

7. The learned counsel for the petitioners submitted that the sixth petitioner who is the sister of the first petitioner is living in Bangalore along with her husband and she cannot have any overt act in the occurrence as stated by the *de facto* complainant. The second respondent



CRL.O.P.No.21481 / 2019

had named all the accused by stating that they joined together and demanded a sum of Rs.5,00,000/- as dowry and made it a condition to live with her husband. When such is the allegation made by the *de facto* complainant, it is obligatory on the part of the respondent police to conduct a detailed investigation. Hence, I feel that quashing the proceedings at this stage, cannot be done.

8. In view of the above stated reasons, I feel it is appropriate for the first respondent police to complete the investigation in Cr. No.13/2019 and file final report within a period of two months from the date of receipt of a copy of this order and do the needful in accordance with law.

9. With the above direction, this Criminal Original Petition is disposed. Consequently, connected miscellaneous petition is closed.

13.12.2022

Index : Yes/No
bkn



WEB COPY



CRL.O.P.No.21481 / 2019

R.N.MANJULA, J.

bkn

To

1. The Inspector of Police,
All Women Police Station,
Namakkal,
Namakkal District.
2. The Public Prosecutor
High Court of Madras
Chennai.

Crl.O.P.No.21481 of 2019

13.12.2022