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Crl.O.P.No.27886 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.27886 of 2022
and Crl.MP.No.17109 of 2022

N.M.Krishnan

... Petitioner

Vs.

1. The State Rep.by
The Inspector of Police
W-28, All Women Police Station,
Ambattur, Chennai
Crime No.17 of 2022

2. J.Chitra Banu
...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records pertaining to the proceedings in Crime
No.17 of 2022 on the file of the respondent police and quash the same.

For Petitioner : Mr.A.Vijayasankar

For Respondent : Mr.S.Santhosh
Govt. Advocate (Crl. Side) for R1



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ORDER

This petition has been filed to call for the records pertaining to the proceedings in Crime No.17 of 2022 on the file of the respondent police and quash the same.

2. The learned counsel for the petitioner submitted that the petitioner/A2 is the father in-law of the defacto complainant/second respondent. The second respondent/defacto complainant who was a divorcee is the second wife of the petitioner's/A2 son. The petitioner's son has already got two sons through his first marriage. He further submitted that the petitioner is having property at Chennai and the second respondent demanded to register the said property in the name of her minor daughter. Since the petitioner/A2 refused to do so, dispute arose between them due to which on 04.05.2022 the petitioner gave a police complaint against the defacto complainant before the All Women Police Station, Dharmapuri. The petitioner's son has filed HMOP No.60 of 2022 on the file of the Additional Sub Court, Dharmapuri for divorce on the ground of desertion and cruelty. In order to take revenge against the petitioner/A2 and his son



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on 16.07.2022, the defacto complainant gave the present complaint against the petitioner/A2 with false allegations under the POCSO Act. Hence he prayed to quash the FIR in Crime No.17 of 2022.

3. The learned Government Advocate (Crl.side) submitted that the case is still under investigation and that he opposed to allow this petition.

4. Heard both sides and perused the materials available on record.

5. On perusal of the FIR, it reveals that the respondent police had registered a case in Crime No.17 of 2022 against this petitioner/A2 and another person who is the defacto complainant's husband for the offences under Section 9(1), 9(m), 9(n), 10 of Protection of Child from Sexual Offences Act, 2012 and Under Section 506(i) of IPC. The defacto complainant who is the mother of the victim girl has stated that her daughter who is aged about 15 years, was sexually abused by her father-in-law/the petitioner/A2 and by her husband/A1 and that they both threatened the victim girl not to disclose to any one. On coming to know



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that her daughter was abused sexually, complaint has been lodged. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such, this Court cannot interfere with the investigation. Therefore, it does not meet the parameters laid down by the Supreme Court in *State of Haryana vs. Ch.BhajanLal (AIR 1992 SC 604)*, *M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others (2021 SCC online 315)* & *PRATIBHA RANI Vs.SURAJ KUMAR & ANR (1985 CrL.L.J.817)*. It is inappropriate to quash the FIR and close the investigation at the beginning stage. Therefore, I find no merits and investigation in this case is to be conducted to find out the truth.

6. Accordingly, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

15.11.2022

Index:Yes/No
Speaking/Non speaking order
dpq



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V. SIVAGNANAM, J.

dpq

To

1.The Inspector of Police,
W-28, All Women Police Station,
Ambattur, Chennai.
Crime No.17 of 2022

2.The Public Prosecutor,
High Court of Madras.

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