



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2189 of 2022

and

Crl.M.P(MD)No.1607 of 2022

U.Filomina

... Petitioner/
Accused No.3

Vs.

1.The Inspector of Police,
City Crime Branch,
Trichy City.

... 1st Respondent/
Complainant

2.Velumani

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to the impugned order of the FIR in Crime No.16 of 2017 on the file of the first respondent police and quash the same insofar as the petitioner who arrayed as A.3 is concerned.

For Petitioner : Mr.S.Sankar

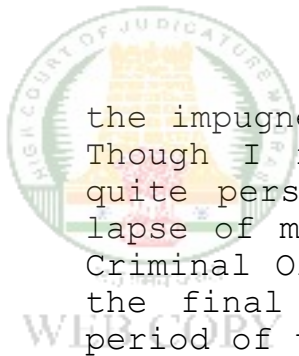
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side) for R.1

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent.

2. Considering the nature of relief to be granted, issuance of notice to the second respondent is dispensed with.

3. The second respondent has given a complaint. In the said complaint, the primary allegations have been directed only against one Arokiasamy. Of course, the name of the petitioner's husband - Thiru.Udayakumar is also mentioned. But then the complaint is silent on the role played by the petitioner. Therefore, the petitioner has filed this Criminal Original Petition for quashing



the impugned FIR as far as he is concerned. He is figuring as A.3. Though I find the contentions of the petitioner's counsel to be quite persuasive, since the petitioner has moved this Court after lapse of more than 4 ½ years, I am not inclined to entertain the Criminal Original Petition. I, direct the first respondent to file the final report on merits and in accordance with law within a period of two months from the date of receipt of copy of this order. If only Arokiyasamy and Udhayakumar had transaction with the defacto complainant, then it would be most unfair to implead the petitioner as one of the accused. The first respondent shall bear this in mind and file the final report within a period of two months from the date of receipt of copy of this order. This Criminal Original Petition is disposed of with the aforesaid direction.

4. If cognizance is taken against the petitioner also, it is open to the petitioner to move this Court again questioning the final report. All the contentions of the petitioner are left open. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector of Police,
City Crime Branch, Trichy City.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SANKAR, Advocate (SR-4255[F] dated 04/02/2022)

Crl.O.P(MD)No.2189 of 2022

and

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