



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.5563 of 2020

&

Crl.M.P(MD)No.3069 of 2020

K.Baskaran

... Petitioner/Accused

Vs.

1. The State represented by
The Inspector of Police,
All Women Police Station -
Thilagar Thidal Police Station,
Madurai City,
Madurai District.
(Crime No.1 of 2020)

... 1st Respondent/Complainant

2. M.Shanthi

... 2nd Respondent/
Defacto Complainant

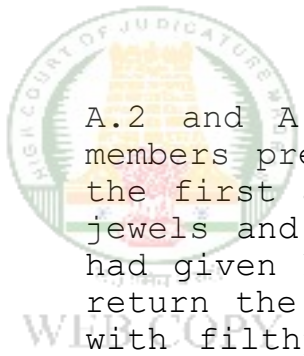
Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records pertaining to the First Information Report in Crime.No.1 of 2020 on the file of the first respondent police - All Women Police Station, Thilagar Thidal Police Station, Madurai City, Madurai District, quash the same.

For Petitioner	:	Mr.Pethu Rajesh
For Respondents	:	Mr.R.M.Anbunithi
		Additional Public Prosecutor
		(Criminal Side)
		for R.1
		No appearance for R.2

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime.No.1 of 2020 on the file of the first respondent police - All Women Police Station, Thilagar Thidal Police Station, Madurai City, Madurai District.

2. There are totally four accused, of which, the petitioner is arrayed as third accused. The crux of the complaint is that the first accused married the second respondent / defacto complainant on 12.03.2014. At the time of marriage, there was a demand by the A.1,



A.2 and A.4. On such demand, the defacto complainant's family members presented 15 ½ sovereigns of jewels as dowry. Thereafter, the first accused demanded huge dowry by cash. After pledging the jewels and property, the family members of the defacto complainant had given huge money and thereafter, the accused persons failed to return the same. When it was questioned by them, they scolded her with filthy language and also drove her out from the matrimonial home.

3. Admittedly, the petitioner is none other than the father-in-law of the second respondent herein. There is no iota of allegations as against the petitioner to attract any of the offence as alleged by the prosecution. It is seen from the FIR that the entire allegations are made only as against the accused Nos. 1,2 and 4. However, the first respondent registered the FIR including the petitioner also as a third accused in Crime No.1 of 2020 for the offences under Sections 498(a) and 406 IPC. In fact, the second respondent filed the petition seeking permission as directed by the Court below under Section 156(3) Cr.P.C. The first respondent, mechanically without application of any mind, registered the impugned FIR as against the petitioner also. Therefore, the FIR cannot be sustained as against the petitioner and it is liable to be quashed only as against the petitioner / Accused No.3 alone and accordingly, the same is quashed as against the petitioner / A.3 alone.

4. The first respondent is directed to complete the investigation and file the final report insofar as the other accused persons within twelve weeks from the date of receipt of a copy of this order.

5. Accordingly, the Criminal Original Petition is allowed as above. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// 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,
All Women Police Station -
Thilagar Thidal Police Station,
Madurai City,
Madurai District.

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

+1 CC to M/s.P. PETHU RAJESH, Advocate (SR-17437[F] dated
08/04/2022)

Crl.O.P (MD)No.5563 of 2020

&

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SE (CO)

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