



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.10270 of 2021

and

Crl.M.P (MD)No.5256 of 2021

WEB COPY

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... Petitioner/Accused No.6

Vs.

1.The State represented by,
The Inspector of Police,
All Women Police Station,
Melur,
Madurai District.

... 1st Respondent/Complainant

2.Sulochana

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the impugned F.I.R in Crime No.6 of 2021 on the file of the first respondent police and quash the same as against the petitioner herein as illegal.

For Petitioner : Mr.T.Veerakumar

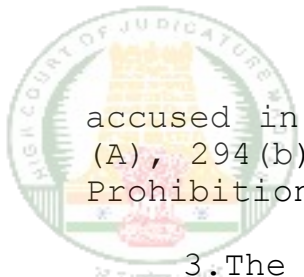
For R - 1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

For R - 2 : Mr.B.Rajesh

ORDER

This Criminal Original Petition has been filed to quash the F.I.R in Crime No.6 of 2021 on the file of the first respondent police.

2. The case of the prosecution is that the first accused and the defacto complainant got married on 16.03.2005 and they blessed with male child aged about 14 years. While so, in the year 2006, the husband of the defacto complainant went to abroad for the job and thereafter, he did not return back to India. Therefore, she made a missing complaint on 16.06.2007 and subsequently, there was no contact between them. On 13.12.2020, the defacto complainant came to know that her husband married one another lady namely Lakshmi and they are living at Chennai. When she enquired about the second marriage of her husband, all the accused persons were said to have abused and assaulted the defacto complainant. Based on the said complaint, FIR has been registered against the petitioner and other



accused in Crime No.6 of 2021 for the offences under Sections 498 (A), 294(b), 355 and 506(i) of I.P.C and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

3.The learned counsel appearing for the petitioner would submit that the petitioner is arraigned as sixth accused and she is no way connected in this case and she is the daughter of the sister of the husband of the defacto complainant.

4.Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the first respondent and the learned counsel appearing for the second respondent and perused the entire materials available on record.

5.On a perusal of the entire F.I.R, there is absolutely no overt act as against the petitioner. In the conclusion portion of the F.I.R, the second respondent simply added the petitioner along with other accused persons. That apart, she is the daughter of the sister of the first accused. Even before lodgment of complaint, there was exchange of notice between the second respondent and the first accused. Therefore, the present F.I.R has been lodged with false allegations as against the petitioner.

6.In view of the above, the FIR cannot be sustained as against the petitioner and the same is liable to be quashed. Accordingly, this Criminal Original Petition is allowed and the F.I.R in Crime No.6 of 2021 on the file of the first respondent in respect of the petitioner/Accused No.6 alone is quashed. However, the first respondent is directed to complete the investigation and file a final report as against other accused persons in the manner known to law, before the concerned Magistrate, within a period of twelve weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

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,
Melur,
Madurai District.

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

Crl.O.P (MD) No.10270 of 2021
29.03.2022

RK(12/04/2022) 3P 3C