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Crl.O.P.No.8501 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

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THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8501 of 2023

S.Naina Mohamed

...Petitioner

Vs.

1.The Commissioner of Police,
Avadi Commissionerate,
Avadi,
Chennai – 600 054.

2.The Inspector of Police,
SRMC AWPS,
Chennai.

3.Dhivya

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to call for the records in Crime No.13 of 2022 on the file of the 2nd respondent Police station and quash the same.

For Petitioner : Mr.L.K.Charles Alexander
For Respondents : Mr.S.Santhosh (For R1 & R2)
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.13 of 2022 on the file of the 2nd respondent Police station and quash the same.

2.The learned counsel for the petitioner submitted that petitioner is a TV actor and defacto-complainant is also a TV actor. They became friends and got married. Defacto-complainant suspected the petitioner and asked him not to act in TV serials. In fact, on 05.10.2022, petitioner was attacked by defacto-complainant and caused him injury below his left eye. Petitioner gave a complaint to the Inspector of Police, Avadi Police Station on 06.10.2022. However, not even an enquiry was conducted on the basis of the complaint given by the petitioner. On the other hand, on the basis of the complaint given by third respondent / defacto-complainant on 08.10.2022, the First Information Report was registered immediately even without conducting a preliminary enquiry as directed by the Hon'ble Supreme Court in **Lalita Kumari Vs. Government of Uttar Pradesh and**



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others [2014 (2) SCC (1)]. The complaint allegations are totally false, therefore, this petition.

3.In reply, the learned Government Advocate (Criminal side) submitted that the investigation in this case is almost completed. The third respondent suffered injuries in the incident, wherein, petitioner said to have beaten her. Thus, he prayed for dismissal of the petition.

4.Considered the rival submissions and perused the records.

5.It is seen from the First Information Report allegations, the case of the prosecution in brief, is as follows:-

Petitioner and third respondent were actors in TV serial and became friends. They fell in love and then got married on 24.06.2022 at Shivan Temple, Kancheepuram. Later the marriage was registered as per Muslim custom on 29.06.2022. The third respondent was already married to one Shailesh and has female child named Jaishina, 6 years old through him. She got divorce from him. Petitioner said to have directed the third



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respondent not to divulge the marriage between them to anyone especially in the social media. Petitioner said to have in relationship with another TV actor Hansika Abarsha. He also said to have informed that he was going to marry her. Under such circumstances, third respondent divulged the marriage photographs in social media on 25.09.2022. Petitioner directed her to delete the marriage photo and threatened her that third respondent is from Karnataka and nobody would help her and he has men power in Tamil Nadu. On 04.10.2022, at about 10 to 10.30P.M, petitioner said to have told the third respondent that he is going to marry Hansika Abarsha, who belong to his religion stating that he does not need any child through third respondent and slapped her on right chin. When she fell down, she suffered injury at her stomach. Then he kicked her on her right thigh. On 05.10.2022, she suffered bleeding. Under the circumstances, the complaint was given and on that basis, First Information Report in Cr.No.13 of 2022 was registered under Sections 498 (A), 323 and 506 (i) I.P.C. The learned Government Advocate (Criminal side) produced the accident register showing that third respondent suffered vaginal bleeding injury on 04.10.2022. Petitioner also produced the copy of the photograph to show



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that third respondent had beaten in his left eye.

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6.What is before me is the quash petition for quashing First Information Report in Cr.No.13 of 2022. The First Information Report allegations, as narrated above clearly make out cognizable offences by the petitioner against the third respondent. This Court cannot go into disputed questions of fact. The allegations made in the First Information Report are to be necessarily investigated by the respondent Police for filing appropriate final report.

7.In this view of the matter, this Court finds that there is no merits in the prayer for quashing the First Information Report in Crime No.13 of 2022 on the file of the 2nd respondent Police. Accordingly, this Criminal Original Petition is dismissed.

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Index: Yes/No
Speaking/Non speaking order
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To:-

- 1.The Commissioner of Police,
Avadi Commissionerate,
Avadi,
Chennai – 600 054.
- 2.The Inspector of Police,
SRMC AWPS,
Chennai.
- 3.The Public Prosecutor
High Court of Madras.



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G.CHANDRASEKHARAN, J.

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