



Crl.O.P.No.8958 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8958 of 2023

and

Crl.M.P.No.5739 of 2023

1. R.Ramesh Babu
2. Kanchana
3. R.Latha
4. R.Nanthakumar

... Petitioners

/vs/

1. State by Assistant Commissioner of Police,
Pallikarani Police Station,
Pallikaranai, Chennai.

2. State by Inspector of Police,
Pallikarani Police Station,
Pallikaranai, Chennai 600 100.

3. Kalaiselvi @ Emmima

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records in FIR No.353 of 2023 dated 01.04.2023 on the file of first respondent police and quash the same.

For Petitioners

... Mr.G.Dakshinamurthy

For R1 & R2

... Mr.S.Santhosh
Government Advocate (crl.side)



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ORDER

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This Criminal Original Petition has been filed seeking direction to call for the records in FIR No.353 of 2023 dated 01.04.2023 on the file of first respondent police and quash the same.

2. The learned counsel for the petitioners submitted that, second respondent / defacto complainant is a Christian. Therefore, registration of FIR in Crime No.353 of 2023 for the offence under Sections 3(1)(r), 3(1)(s) of SC/ST (Prevention of Atrocities) Act, 1989 and 498 A of IPC is not correct and illegal. He further submitted that, all the allegations made in the FIR are false, especially with regard to the cruelty alleged to have been committed by the accused. Therefore, he prays for quashment of the FIR in Crime No.353 of 2023.

3. The learned Government Advocate (Crl. Side) submitted that mutual consent divorce granted to the second respondent in O.P.No.2057 of 2017 shows that the petition was filed under section 10-A of Indian Divorce Act meaning thereby, 2nd respondent belongs of Christian



Religion. He further submitted that the respondent police is trying to find out whether the registration of FIR under Section 3(1)(r), 3(1)(s) of SC/ST (Prevention of Atrocities) Act, 1989 can be sustained. They are taking efforts to get the documents concerned in this regard. He further submitted that FIR was registered on 01.04.2023 and the investigation is proceeding in the right direction. Thus, he prays for dismissal of the petition.

4. Considered the rival submissions and perused the records. The FIR shows repeated allegations are made that the defacto complainant / second respondent had been ill-treated by the accused mainly for the reason that she belongs to scheduled caste. That apart, there is also an allegation that the accused had demanded dowry of about 10 sovereigns of gold jewels and that she should get a land in Chengalpet and it should be transferred to her husband's name. First petitioner said to have informed the second respondent that he married her, despite the fact that she belongs to a very low community for the reason that the second respondent owns a land and that she would bring more jewels and cash. Though the learned



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counsel for the petitioner's submission that second respondent/defacto complainant is a Christian therefore registration of FIR cannot be sustained under Section 3(1)(r), 3(1)(s) of SC/ST (Prevention of Atrocities) Act, 1989 has some force in it, this Court finds that enough allegations are made in the FIR to show that the commission of cognizable offence under section 498 A of IPC. It requires to be investigated by the respondent police. In this view of the matter, prayer for quashment of the FIR as against the petitioners cannot be entertained.

5. Accordingly, this Criminal Original Petition is dismissed. Respondent police is directed to conduct investigation taking into consideration all the aspects, especially the claim that the defacto complainant is a Christian, therefore, registration of FIR under SC/ ST (Prevention of Atrocities Act), 1989 cannot be maintained and file a final report within a period of three months from the date of receipt of copy of the order. Consequently, connected miscellaneous petitions are closed.

24.04.2023

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1. The Assistant Commissioner of Police,
Pallikarani Police Station,
Pallikaranai, Chennai.
2. The Inspector of Police,
Pallikarani Police Station,
Pallikaranai, Chennai 600 100.
3. State rep. By the
Inspector of Police,
Voimedu Police Station,
Nagapattinam District.
4. The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

Sma

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