



WEB COPY

Crl.O.P.No.18142 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G. JAYACHANDRAN

Crl.O.P.No.18142 of 2022

and

Crl.M.P.No.11963 of 2022

1.S.Muralikrishna

2.Kumudha

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep by the Inspector of Police,
W-31, All Women Police Station,
St. Thomas Mount, Chennai.
Crime No.2 of 2019

2.Sucetra

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, calling for the records relating to the FIR in Crime No.2 of 2019 on the file of the first respondent and quash the same.

For Petitioners

: Mr.S.M.Vidyapathi

For R1

: Mr.R.Muniyapparaj,
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.2 of 2019 on the file of the respondent police.

2. The petitioners herein are the accused in a case registered in Crime No. 2 of 2019 dated 12.02.2019 by St.Thomas Mount Police Station. The first petitioner is the husband of the defacto complainant / Sucetra. Due to matrimonial dispute, they are living separately. Certain allegations have been made against the petitioners and a complaint has been registered, which prima facie attracts offence under Section 498(A) of IPC. The present petition is filed on the ground that the FIR does not make out case for investigation and also, the complaint itself is barred by limitation, since it was given belatedly.

3. According to the learned counsel for the petitioner, the marriage between the first petitioner and the defacto complainant was solemnized on 02.02.2015 and thereafter, a son was born to them on 04.09.2016. After a brief spell of cordial matrimonial relationship, they got separated and thereafter, a complaint dated 02.02.2019 has been registered alleging that from 31.01.2018, while the



defacto complainant was living with her husband and in-laws. She has been subjected to cruelty, demanding money and she was also physically assaulted. On 12.03.2018, she has given a petition before the Alandur Police Station, which was taken as C.S.R. No. 11 of 2018 and thereafter, the complaint was enquired in the presence of Social Welfare Officer. Since there was no co-operation from the petitioner, the same was reported to the respondent police by the Social Welfare Officer. Thereafter, the police had registered F.I.R in Crime No.2 of 2019 on 02.02.2019.

4. The records clearly shows that within a month of incident, it has been reported to the police and the police had taken all efforts to arrive at settlement between the spouse and did not registered the FIR in haste, since it is a matrimonial dispute. Atlast, when the petitioner failed to co-operate with the enquiry, they were forced to register FIR and the same was taken up for investigation. After completion of investigation, now the learned Additional Public Prosecutor submits that the final report is ready and awaiting approval of the learned Public Prosecutor and that the same will be filed soon. Reverting back to the contentions raised by the petitioners, it is clearly seen from the records that the complaint is not barred by limitation. It has been brought to notice of the law



enforcing agency soon after the incident and the delay in registering the FIR is due to alternate dispute redressal method adopted by the police, which is in consonance with the directions of the Supreme Court. Regarding the merits of the contentions of the petitioner that the FIR does not disclose any action attracting Section 498(A) of IPC is also found to be incorrect. Therefore, this Court do not find any reason to interfere in the investigation.

5. Accordingly, this Criminal Original stands dismissed. Consequently, the connected Miscellaneous Petition is closed. However, it is open to the petitioners to have amicable settlement with the defacto complainant, since from the records, this Court finds that the first petitioner has already initiated proceedings for divorce and the same is pending.

18.10.2023

Index : Yes / No

Neutral Citation : Yes / No

skr



To

1. The Inspector of Police,
W-31, All Women Police Station,
St. Thomas Mount, Chennai.
Crime No.2 of 2019

2. The Public Prosecutor,
Madras High Court,
Chennai.

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Dr.G. JAYACHANDRAN, J.

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