



Crl.O.P.(MD)No.5554 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2023

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.5554 of 2020

and

Crl.M.P.(MD).No.3067 of 2020

1.S.Suganya

2.G.Subramaniam

3.S.Jayalakshmi

... Petitioners/Accused 1 - 3

Vs.

1.The State represented by
The Inspector of Police,
D-1 Thallakulam Police Station (L&O),
Madurai.
(Crime No.158/2020).

... 1st Respondent/ Complainant

2.Uma

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for records in Crime No.158 of 2020 on the file of the first respondent and quash the same as against the petitioners and thus render justice.

For Petitioners : Mr.A.M.Krishnamoorthy

For R-1 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.



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For R-2 : No appearance

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ORDER

The Criminal Original Petition has been filed to quash the FIR in Crime No.158 of 2020 registered on the file of the first respondent for the offences under Section 147, 148, 448, 294(b), 323 and 506(2) of IPC.

2. The petitioners are the daughter-in-law and the parents of the daughter-in-law of the defacto complainant/second respondent herein. The allegation in the FIR is that the first petitioner had a matrimonial dispute with the second respondent's son and she did not get along well with the second respondent as well. She did not respect the second respondent and the first petitioner and the second respondent's son did not get along well. While so, on 04.09.2019 at about 11.30 A.M., the first petitioner came along with her relative, one Ragupathy and few other relatives in three cars and trespassed into the house of the defacto complainant and attempted to strangle her. The allegation in the complaint is that the first petitioner along with her relatives attempted to grab the property belonging to the defacto complainant in a wrongful manner.



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3. The learned counsel for the petitioners submitted that the entire complaint is mala fide in order to neutralise the complaint given by the first petitioner against the second respondent and her son under Section 498 A IPC. The said complaint was registered on 02.12.2019 in Crime No.967 of 2019 on the file of Ramanathapuram Police Station, Coimbatore. The learned counsel further submitted that the complaint lodged by the second respondent in CSR No.1000 of 2019 was originally closed by the respondent Police on 05.09.2019, stating that it is a family dispute between the first petitioner and her husband and with advice to the parties to approach the Court to enforce their rights. Thereafter, without any basis, the first respondent had reopened the said CSR and registered the FIR. In the said FIR, it is stated that the first respondent on orders registered the FIR. It is not known on whose orders, the said complaint was reopened and FIR was registered. The learned counsel further submitted that the allegations are vague in nature and none of the offences alleged have been made out and hence submitted that the FIR is an abuse of process of law.

4. The learned Additional Public Prosecutor appearing for the first respondent submitted that the complaint was initially closed directing the parties to approach the Court for resolving their differences. The learned Additional Public Prosecutor also was unable to justify the subsequent



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registration of FIR on the basis of the complaint which was earlier closed. The learned Additional Public Prosecutor fairly concedes that an FIR was filed at the instance of the first petitioner against the second respondent under Section 498A IPC and the instant FIR was registered thereafter.

5. Heard the learned Senior Counsel for the petitioners and the learned Additional Public Prosecutor for the first respondent. There is no representation for the second respondent inspite of Court notice being served on her and her name being printed in the cause list.

6. On reading of the FIR, it is seen that the complaint is regarding the alleged occurrence that is said to have taken place on 04.09.2019. In the said complaint, the defacto complainant mentions about the relatives of the first petitioner going into the house of the defacto complainant. The allegations besides being vague, there is no reference about the presence of the petitioners 2 and 3. That apart, the records indicate that the first respondent had earlier closed the said complaint directing the parties to approach the Court to resolve their differences. In such circumstances, it is not known as to how the FIR came to be registered four months later on 21.01.2020. The FIR does not indicate the change of circumstances that prompted the first respondent to



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reopen the closed complaint. The records further indicate that the first petitioner had given a complaint against the second respondent and his son under Section 498 A IPC and other offences on 02.12.2019. The second respondent, it appears, has revived the earlier complaint that was closed. A reading of the allegation in the FIR shows that it is vague. The allegations are in the nature of accusation against the daughter-in-law blaming her for the matrimonial disputes between the complainant's son and the first petitioner. The facts reveal that the complaint is mala fide in nature and is only to wreak vengeance since the first petitioner had given a complaint against the second respondent. The procedure adopted by the first respondent is also not in accordance with law.

7. For all the above reasons, the impugned FIR in Crime No.158 of 2020 is liable to be quashed and hence quashed. The Criminal Original Petition is allowed. Consequently, connected miscellaneous petition stands closed.

05.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm



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To

- 1.The Inspector of Police,
D-1 Thallakulam Police Station (L&O),
Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm

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