



Crl.O.P.(MD).No.7115 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.7115 of 2022

and

CRL.M.P.(MD).No.4881 of 2022

- 1.Dhayanithi
- 2.Mohan
- 3.Thangaraj
- 4.Jeyalet Susila
- 5.Jeyanthi @ Jeyanthi Narmatha
- 6.Thangalatha
- 7.Subash
- 8.Abinaya

... Petitioners

Vs.

- 1.The State represented by
the Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
(Crime No.14 of 2022)

- 2.Sabaritha

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for records in pursuant to the FIR in Crime No.14 of 2022 dated 18.03.2022 on the file of the first respondent and quash the same.



WEB COPY



Crl.O.P.(MD).No.7115 of 2022

For Petitioners : Mr.T.Selvakumaran

For R-1 : Mr.S.Manikandan
Government Advocate (Criminal side)

For R-2 : Mr.Prabhakaran

ORDER

This Criminal Original Petition has been filed seeking to quash FIR in Crime No.14 of 2022 dated 18.03.2022 on the file of the first respondent.

2.The petitioners are the accused persons in Crime No.14 of 2022, for the offences punishable under Sections 498(A), 294(b), 406 and 506(i) of IPC, which was registered by the first respondent on the basis of the complaint lodged by the second respondent.

3.The learned counsel for the petitioners would submit that marriage was took place between the first petitioner and the second respondent on 30.08.2015 and they are closely related. In the year 2017, because of some matrimonial issue between them, they got separated. Later H.M.O.P.No.231 of 2017 was also filed before the Sub Court, Coimbatore by the first petitioner seeking divorce. Later it was



Crl.O.P.(MD).No.7115 of 2022

transferred to the Family Court, Nagercoil and renumbered as H.M.O.P.No.286 of 2018. Subsequent to that only the present FIR came to be registered much after five years period of separation. Even before the Family Court, the first petitioner agreed to pay maintenance amount of Rs.6,000/- and he has also continuously paying the same. On that ground this quash petition has been filed. So far other accused persons are concerned, it has been submitted that they are no way involved in the issue between the husband and wife. They are living separately from the above said matrimonial home at that time.

4.The counsel for the second respondent would submit that after filing of the above said H.M.O.P. petition, second marriage was performed by the first petitioner, suppressing the subsistence of first marriage, on 02.02.2021. Later a child was also born to them. He has also produced the documents showing the Birth Certificate of the Child and the second marriage.

5.It appears that subsequent to the above said second marriage only the present complaint has been registered on 18.03.2022. Of



Crl.O.P.(MD).No.7115 of 2022

course, the performance of second marriage is not mentioned in the complaint. In view of the above this Court is of the view that it is not proper stage to quash the FIR. It must be taken to its logical end by completing the investigation process.

6.Let the investigation in Crime No.14 of 2022 on the file of the first respondent be completed within a period of **three** months from the date of receipt of a copy of this order and file the final report before the concerned Court.

7.With the above said directions, this criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

07.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To
1.The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.



Crl.O.P.(MD).No.7115 of 2022

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



WEB COPY



Crl.O.P.(MD).No.7115 of 2022

G.ILANGO VAN,J.

TM

Crl.O.P.(MD).No.7115 of 2022

07.06.2023