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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10/04/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.OP(MD)No.5406 of 2023
and
Cr1.MP(MD)No.4784 of 2023

1.Vijayalakshmi
2.Challmani

: Petitioners/A2 and A3

Vs.

1.The State
rep by the Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
(Crime No.33 of 2022)

2.P.Jennathul Firthose

: Respondents

PRAYER:- This Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records relating to FIR in Crime No.33 of 2022, dated 31/10/2022 on the file of the 1st respondent and quash the same as against the petitioners.

For Petitioners : Mr.D.Srinivasa Raghavan

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

**ORDER**

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This criminal original petition has been filed seeking quashment of the FIR in Crime No.33 of 2022, dated 31/10/2022 on the file of the 1st respondent.

2. The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that she was working in a Company in Coimbatore. One Muktheeswaran was her friend. From the above said Muktheeswaran, the first Mathanabalan received her phone number and contacted her on various occasions and they became friends. On 16/08/2016, they met near Madurai Meenakshmi temple. At that time, he expressed his willingness for marrying her. But pointing out the religious issue, she was not willing and advised him to be a good friend. But Al-Mathanabalan continued the pressure. Because of the continuous pressure made by him, she also started loving him. She also spent some time in his room. They also visited several places and staying in several hotels. During the above said stay, he tried to sexually assault her, compelled her to consent for consensual sex. But she was not willing for that. But



3. Seeking quashment of the same, the petitioners, who are the wife and mother of A1 have preferred this criminal original petition.

4. Heard the counsel appearing for the parties and the CD file is also called for and perused.

5.The ground on which, this petition came to be filed is that these petitioners are no way involved in the affairs of A1 and the de-facto complainant; Only bald allegation has been made against these petitioners as if they have made criminal intimidation, abused through phone; There is a delay of 9 days in preferring the complaint; A counter complaint was given by the first



petitioner against the de-facto complainant, on 22/09/2022; More-over, the ingredients of the offences under sections 294(b) and 506(i) IPC are not attracted against them.

6.During the course of investigation, the first petitioner appeared and she has given statement that de-facto complainant and others approached her stating that even before her marriage with A1, there was love affairs between the de-facto complainant and A1 and she was also criminally intimidated and abused. The above said complaint is, dated 22/09/2022. After that only, the present complaint has been given by the de-facto complainant against three persons. So from this, it is seen that some sort of trouble has arisen between the de-facto complainant and the accused persons, over the above said affairs between A1 and the de-facto complainant.

7.Whether there was any love affair between the de-facto complainant and A1 even before the marriage is a matter for consideration by the Investigating Officer. Now the final report is filed before the trial court.



8. But however, as stated above, love affair was in existence even on the date of the marriage of A1 and it continued for several years even without noticing and knowledge. Some of the persons were summoned during the course of investigation, stated that before the marriage of A1, the de-facto complainant was friendly with him. So whether the de-facto complainant was having knowledge about the marriage of A1 is a matter for consideration by the Investigating officer. More-over, whether the offence alleged are attracted need not be considered by this court, since A1 is not before this court.

9. Limited allegation has been made against the petitioners stating that they have caused criminal intimidation and abused her in filthy language, when the above intimacy with the de-facto complainant was brought to their notice.

10. Considering the gravity of the allegation that has been made against A1 and in what way, these petitioners also supported A1 can be brought to record only at the conclusion of the investigation.



11. So, I am of considered view that the investigation must be taken to its logical end. Quashing of FIR at the preliminary stage against the petitioners may not be proper. I find no reason entertain this petition.

12. In the result, this criminal original petition is **dismissed**. Consequently connected Miscellaneous Petitions is closed.

10/04/2023

Index: Yes/No
Internet: Yes/No

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To,

1. The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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Cr1.OP(MD)No.5406 of 2023

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