



CrI.O.P(MD).No.4076 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

CrI.O.P(MD).No.4076 of 2019

and

CrI.M.P.(MD)No.2426 of 2019

- 1.Balu
- 2.Selvi
- 3.Sowndharavalli
- 4.Arumugam
- 5.Venkateswari

...Petitioners/Accused Nos.2 to 6

Vs

- 1.The State rep. by
The Inspector of Police,
All Women Police Station,
Jeeyapuram,
Trichy.
- 2.Chitra

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records relating to FIR in FIR in Crime No.1 of 2019 dated 13.02.2019 on the file of the first respondent police and quash the same.

For Petitioners	: Ms.P.Kalaiyarasi Bharathi
For 1 st Respondent	: Mr.R.M.Anbunithi Additional Public Prosecutor
For 2 nd Respondent	: Mr.C.Sasi Kumar



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ORDER

This criminal original petition has been filed to quash the First Information Report in Cr.No.1 of 2019 dated 13.02.2019 on the file of the first respondent police.

2.According to the petitioners, the defacto complainant has lodged complaint stating that she is the wife of the first petitioner and during betrothal function, it was informed that A1 is working at Singapore and therefore, they demanded 100 sovereigns of jewels, Rs.25 Lakhs cash and Honda car as dowry. As the defacto complainant's father did not agree for the same, they told to proceed with the marriage with their limits and as such, marriage was solemnized on 19.05.2016 at R.A.Marriage Hall, Prangipettai. Immediately after marriage, A1 demanded dowry and the same was informed to the parents of the defacto complainant. A1 also scolded her and the same was informed to the husband and her husband called her to Singapore and she was also went there. When she returned to India, her in-laws were not permitted her and hence, she gone to her parental home and stayed there. On 15.08.2018, A2 and A5 came to her house and scolded her in filthy language and hence, she gave a complaint on 27.10.2018. As there was no action, she once again lodged another complaint on 13.02.2019. Based on the complaint



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dated 13.02.2019, the first respondent Police registered FIR in Cr.No.1 of 2019. Against which, the petitioners herein filed the present petition to quash the said FIR in Cr.No.1 of 2019 on the ground that there is an inordinate delay in registering FIR. The date of occurrence is 15.08.2018 and FIR was registered only on 13.02.2019, after lapse of six months. A2 is younger brother of father-in-law. A3 is the wife of A2. A6 is the co-sister. A4 & A5 are father-in-law and mother-in-law respectively. In fact there is no specific allegations as against these petitioners and in order to harass them, she wantonly incorporated their name in FIR. Even in FIR, the place where the alleged occurrence was happened was not mentioned and it was not even stated that it is a public place. Hence, the allegations does not constitute the ingredients of the offence. As per the averments of FIR, no offence is made out. Hence, FIR is liable to be quashed.

3.The learned counsel appearing for the second respondent has argued that as per contentions of FIR, all the offences are prima facie made out and the petitioners along with the other accused, have harassed the second respondent and hence, she lodged the complaint. As per the complaint, the offences are serious in nature and the matter has to be investigated elaborately and at this stage, question of quashing FIR would not arise. Therefore, this petition is liable to be dismissed.



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4.The learned Additional Public Prosecutor appearing for the first respondent has argued that this is a case of matrimonial dispute and delay in registering FIR is not a fatal to the case of the prosecution. As per the allegations found in FIR, prima facie offences are made out. After registering FIR, only 8 witnesses were examined and due to stay granted by this Court, they are unable to examine the other witnesses and thereby, this petition is liable to be dismissed.

5.The petitioners' main contention is that there is a delay in lodging complaint. It is well settled law that FIR is not an encyclopedia and delay in lodging complaint has to be looked into depending upon the nature of the case. As far as the inordinate delay in registering FIR is concerned, it has to be agitated before the trial Court, if the first respondent filed any positive final report, after examining witnesses. Further it is admitted fact that HMOP proceeding is also pending between the parties. The allegations levelled in the complaint and as well as FIR are serious in nature and the same have to be investigated elaborately by the investigating agency. The petitioners are at liberty to raise all the defence, which are raised as grounds in this petition, before the trial Court. Therefore, there is no scope for invoking provision of Section 482 of Cr.P.C., for quashing FIR.



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6.At this juncture, the learned counsel appearing for the petitioner argued that if this Court is not inclined to allow this petition, the personal appearance of the petitioners before the trial Court may be dispensed with.

7.As far as dispensing the personal appearance of the petitioners before the trial Court is concerned, it can only be decided by the trial Court on application filed by the petitioners. On such application, the trial Court is directed to consider the same in accordance with law. The first respondent is directed to complete the investigation in Cr.No.1 of 2019 and file final report before the concerned jurisdictional Magistrate Court, within a period of two months from the date of receipt of a copy of this order. In the event of filing of positive final report before the trial Court, the trial Court shall expedite the process and complete the trial, as early as possible, preferably, within a period of six months from the date of filing of the final report.

8.With the above observations and directions, this criminal original petition is disposed of. Consequently connected miscellaneous petition is closed.

04.07.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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P. DHANABAL,J.

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To

- 1.The The Inspector of Police,
All Women Police Station,
Jeeyapuram,
Trichy.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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