



Crl.O.P(MD).No.9382 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Crl.O.P(MD).No.9382 of 2020

and

Crl.M.P(MD) No.4401 of 2020

Fathima

...Petitioner

Vs

1. The Inspector of Police
All Women Police Station
Cantonment, Trichy District

2.M. Parveen

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records pertaining to Crime No. 13 of 2020 on the file of the first respondent and quash the same in so far as the petitioner /A4 is concerned.

For Petitioner : Mr. B. Jameel Arasu

For R-1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R-2 : No appearance

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No. 13 of 2020 on the file of the first respondent police.



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2. According to the petitioner the respondent police has registered a case in Crime No. 13 of 2020 for the offences under Sections 376,498(A) and 109 of IPC as against the petitioner and others, based on the complaint preferred by the defacto complainant. The petitioner is arrayed as A4 and the main accused is arrayed as A1. As per the complaint and the First Information Report A1 has committed the offence and A2 and A3 aided to commit the said offence. No allegation has been levelled against the petitioner and only in the last line of the First Information Report they have stated that the petitioner also abetted to commit the offence . Apart from this bald allegation there is no any other allegations levelled against her. Further the alleged occurrence took place in the year 2011 and the complaint was lodged in the year 2020, hence the First Information Report is liable to be quashed.

3. The learned counsel appearing for the petitioner would contend that the second respondent herein has given a false complaint as against this petitioner and others. The petitioner was arrayed as A4 in the First Information Report and the allegation as against the petitioner is that she aided the accused to commit the offence and no other allegation has been levelled against this petitioner. The entire allegations are against the other accused and hence the First Information Report against this petitioner is liable to be quashed.



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4. Though name was printed in the cause list none appeared on behalf of the second respondent.

5. The learned Additional Public Prosecutor appearing for the first respondent has submitted that already based on the complaint given by the second respondent First Information Report has been registered and due to the stay granted by this Court they are unable to proceed with the investigation, hence he seeks dismissal of the petition.

6. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent and perused the materials available on record.

7. On perusal of the record, it is observed that the second respondent gave a complaint before the first respondent and based on that complaint the first respondent police registered First Information Report. On perusal of the First Information Report no *prima facie* offence is made out as against this petitioner except the allegation that with the aid of this petitioner the A1 committed the offence. However the case is at the initial stage and the offences are grave in nature. It is for the Investigation Officer to investigate the matter in a fair manner and if any *prima facie* materials are not available as against the



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petitioner the Investigation Officer can very well exercise his power to delete the petitioner. If any charge sheet filed as against the petitioner, the petitioner is at liberty to challenge the same in accordance with law, through separate proceedings. Since the case is under initial stage without any investigation at this stage this Court cannot pass order to quash the First Information Report.

8. With the above observation, this Criminal Original Petition is disposed of. Consequently connected miscellaneous petition is closed.

09.08.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
aav

To

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



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P. DHANABAL,J.

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