



Crl.O.P.(MD)No.12693 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2023

CORAM

**THE HON'BLE MR.JUSTICE P.DHANABAL**

Crl.O.P.(MD)No.12693 of 2020  
and Crl.M.P.(MD)No.5785 of 2020

1.N.Pandi  
2.K.Pounraj  
3.M.Nagamalaiyan  
4.M.Rajendran  
5.M.Selvam  
6.N.Rajesh Kannan

... Petitioners

Vs.

1.State thro  
The Inspector of Police,  
All Women Police Station,  
Usilampatti, Madurai District.  
(Crime No.11 of 2020)

2.B.Vidhya

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records from the first respondent police in Crime No.11 of 2020, quash all the further proceedings.

For Petitioner : Mr.T.K.Gopalan



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For R1 : Mr.R.M.Anbunithi,  
Additional Public Prosecutor

For R2 : No Appearance

### **ORDER**

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.11 of 2020 pending on the file of the first respondent police,

2.According to the petitioner, the defacto complainant is the wife of the first petitioner and other petitioners are close relatives of the first petitioner. The second respondent has given complaint as against the petitioners before the first respondent and based on the complaint, FIR was registered in Cr.No.11 of 2020. According to FIR, marriage between the first petitioner and the second respondent took place on 07.09.2014. The first petitioner obtained hand loan of Rs.7,00,000/- from the father of the defacto complainant and he did not repay the same. Further, seven sovereigns of gold jewels are being retained by the first petitioner. The first petitioner filed a divorce petition in HMOP.No.374 of 2017 before



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the Sub Cour, Tirumangalam and the same was dismissed and thereafter, he filed HMCMA.No.37 of 2018 before the 6<sup>th</sup> Additional District and Sessions Judge, Madurai and the same was also dismissed. Further, the petitioners intimidated the defacto complainant, once she visited the Court. Therefore, she preferred a complaint and FIR was also registered in Cr.No.11 of 2020 for the offence under Sections 498(A), 406, 294(b) and 506(1) IPC. In fact, no alleged occurrence was happened. The defacto complainant and her parents suppressed the fact that the defacto complainant is suffering from “Systemic Lupus Erythematosus” disease. Subsequently, the first petitioner came to know that the disease is very dangerous and there is no cure for the disease. The first petitioner never obtained any kind of hand loan from the father of the defacto complainant and he never retained the above said 7 sovereigns of gold articles. Already the defacto complainant has given complaint in Cr.No. 38 of 2018 before the AWPS, Tirumangalam and the same is pending. The above said complaint also lodged for the very same set of allegations. Therefore, FIR as against the petitioners in Cr.No.11 of 2020 is liable to be quashed.



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3.No counter was filed by the respondents. There is no representation for the second respondent.

4.The learned counsel appearing for the petitioners would contend that there was matrimonial dispute pending between the parties and thereby, the second respondent gave a false complaint as against the petitioners. Already, the second respondent also gave a complaint and FIR registered in Cr.No.38 of 2018 before AWPS, Tirumangalam. This FIR was also registered for the very same set of facts. However, already in CMSA.(MD)No.37 of 2021, the parties entered into agreement and settled the all the disputes including this complaint. An affidavit was also filed to that effect and there is an observation by this Court regarding compromise entered between the parties. Even according to the complaint, all the allegations are general and no offences are made out. Only in order to wreck vengeance in the matrimonial dispute, the present false complaint has been foisted as against the petitioners. Therefore, the impugned FIR in Cr.No.11 of 2020 is liable to be quashed.

5.The learned Additional Public Prosecutor appearing for the first respondent would contend that there is matrimonial dispute between the



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parties and the second respondent had given complaint before the second respondent and based on the complaint, the first respondent registered FIR in Cr.No.11 of 2020 for the offence under Sections 498(A), 406, 294(b) and 506(1) IPC. The investigation in this case is still pending and therefore, appropriate orders may be passed by this Court.

6.Heard both sides and perused the materials available in the records.

7.On perusal of records reveals that based on the complaint given by the second respondent, the first respondent registered FIR in Cr.No.11 of 2020 and the same is pending. Already there is matrimonial dispute pending between the parties and thereafter, the parties entered into a compromise in CMSA.(MD)No.37 of 2021. The learned counsel appearing for the petitioners also produced the copy of the above said order. On perusal of the same it reveals that already the matter has been settled between the parties and the second respondent herein received a sum of Rs.4,50,000/- and 7 sovereigns of gold ornaments and there is an observation that there second respondent herein undertook that she will



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withdraw all the criminal cases filed by her and she also filed an affidavit to that effect and the same was also recorded. Therefore, from the above said observations it reveals that the matter has been settled between the parties.

8.The second respondent did not appear before this Court. Even according to the complaint, all the allegations are general and omnibus allegations and there is no specific overt act as against the petitioners. That apart, the matter was already settled between the parties. Therefore, the impugned FIR in Cr.No.11 of 2020 is liable to be quashed and accordingly, FIR in Cr.No.11 of 2020 pending on the file of the first respondent is hereby quashed.

9.In the result, this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

**14.08.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
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To

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



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**P. DHANABAL,J.**

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