



Crl.O.P.(MD).No.15883 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

Crl.O.P.(MD).No.15883 of 2020

and

Crl.M.P.(MD)No.7804 of 2020

Vellaiammal

... Petitioner

Vs.

1.The Inspector of Police

Ponnamaravathi Police Station,

Pudukottai District.

(Crime No.474 of 2020)

2.Dr.Azhagesan

..Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned FIR in Crime No.474 of 2020 dated 27.09.2020 on the file of the first Respondent police and quash the same in so far as the petitioner's concern as illegal.



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For Petitioner : Mr.A.N.Ramanathan

For Respondents : Mr. R.M.Anbunithi - for R1
Additional Public Prosecutor

Mr.P.Gunasekaran - for R2

ORDER

This Criminal Original Petition has been filed by the petitioner to quash the FIR in Crime No.474 of 2020 dated 27.09.2020 on the file of the first Respondent police.

2. According to the petitioner, the defacto complainant/second respondent married the petitioner on 23.01.1998 and the same was registered before the Sub Registrar Office, Thiruppathur. Out of the wedlock, the petitioner gave birth to a male child on 20.12.2001. Due to matrimonial dispute between the defacto complainant and the petitioner, the defacto complainant has not maintained the petitioner and her son for the past 5 years. On 26.09.2020, the defacto complainant along with six others were trespassed into the petitioner's house and broke open the door with stones and crowbar and further threatened the petitioner and her son



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with dire consequences, for which, the petitioner preferred a complaint in Crime No.624 of 2020 for the offence under Sections 147, 427, 448, 294(b) and 506(i) IPC on the file of Thuvrankurichi Police Station, which is also pending investigation. Suppressing the above said facts, the defacto complainant preferred a complaint with an ulterior motive and an FIR was also registered in Crime No.474 of 2020 for the offence under Sections 147, 148, 294(b), 323, 427 and 506(i) IPC read with Section 3 of Tamil Nadu Medicare Service Persons and Medicare Service Institutions (Prevention of Violence & Damage or Loss to the Property) Act, 2008 before the first respondent Police. The petitioner also preferred Domestic Violence Complaint before the learned Judicial Magistrate, Manaparai and the same is also pending. Even according to the complaint, no offence was made out. Therefore, in order to wreck vengeance, the present complaint has been filed. Hence, the FIR is liable to be quashed.

3. No counter was filed by the respondents.

4. The learned counsel for the petitioner submitted that the petitioner is the wife of the defacto complainant. Due to matrimonial



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dispute, he has given a complaint before the Respondent Police and the petitioner has also preferred a complaint against the defacto complainant which was also came to be registered in Crime No.624 of 2020 and the same is pending. Thereafter, so many matrimonial dispute cases are pending before the Court concerned. In order to wreck vengeance, the present false complaint has been foisted against the petitioner and hence, this FIR in Crime No.474 of 2020 is liable to be quashed.

5. The learned counsel for the second respondent submitted that this petitioner along with others have assaulted the second respondent and trespassed into the second respondent's hospital and caused damage to the hospital and also threatened him and therefore, he filed a complaint before the first respondent police and the respondent police has also registered the FIR in Crime No.474 of 2020 and the same is pending. He also filed W.P.(MD)No.12638 of 2020 for transferring the investigation and the same is also pending, thereby, at this stage, this Court cannot quash the FIR and as per the FIR, *prima facie* case is made out and hence, this petition is liable to be dismissed.



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6. The learned Additional Public Prosecutor appearing for the first respondent Police submitted that based on the complaint given by the second respondent, the first respondent police registered the FIR and the investigation is also pending. Since the investigation is at initial stage, the petition is liable to be dismissed.

7. Heard the learned counsel on either side and perused the materials available on record.

8. On perusal of the records, it is found that there are so many matrimonial dispute cases pending between the parties on various Courts and already, the petitioner has given a complaint as against the second respondent and FIR also pending against him. Thereafter, the defacto complainant has also lodged a complaint and the police registered FIR as against the petitioner. Since the case is at initial stage of investigation and already this Court passed an order today i.e., on 11.08.2023 in W.P. (MD)No.12638 of 2020 to transfer the investigation from the Inspector of Police, Ponnamaravathi Police Station to the Deputy Superintendent of Police, Pudukottai District, it is not appropriate to quash the FIR at this



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stage. The petitioner can very well approach the Deputy Superintendent of Police, Pudukottai District, and produce all the relevant records available with her before the investigation officer and the investigation officer has to investigate the case in a fair manner and file a final report in accordance with law. The Investigation Officer shall conduct the investigation in a fair manner without influencing any observation made by this Court.

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

11.08.2023

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

RM



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



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P.DHANABAL, J.

RM

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