



CrI.O.P.(MD) No.12989 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD) No.12989 of 2023

and

CrI.M.P.(MD) No.10164 of 2023

1.M.Vijay

2.Devika

3.Murugesan

4.M.Sumitha

... Petitioners

Vs.

1.The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai City.
Crime No.34 of 2023

2.Nathiya

..Respondents



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PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the case FIR in Crime No.34 of 2023 on the file of the Inspector of Police, All Women Police Station, Tallakulam, Madurai City and quash the same as against the petitioners.

For Petitioners	: Mr.R.Anand
For R1	: Mr.E.Antony Sahaya Prabahar Additional Public Prosecutor
For R2	: M/s.B.Bhuvaneswari for Mr.A.Ganesan

ORDER

This petition is filed seeking quashment of the FIR in Crime No.34 of 2023 pending on the file of the respondent No.1 police.

2.It is submitted by the learned counsel for the petitioners that disputes arose between the petitioner No.1/husband and the defacto complainant/wife. The defacto complainant stated to have filed HCP.(MD) No.1633 of 2021 before this Court seeking for a direction to hand over the two children. The said petition was allowed, but subsequently was recalled. The respondent No.2 has filed DV.No.14 of 2022 against the petitioner No.1 and other family members and the said DV.No.14 of 2022 was dismissed against one of the family members of the



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petitioner No.1. It is also submitted that the respondent No.2 has filed a complaint before the respondent police in order to harass the petitioner No.1 and other family members.

3.The petitioner is seeking for quashment of FIR on the ground that the defacto complainant has not mentioned anything about the alleged harassment in the petition filed before this Court seeking for custody of the children by way of HCP.(MD) No.1633 of 2021 and that all the allegations made against the petitioners are false and in order to harass the petitioners, a complaint is given by the defacto complainant and therefore sought for quashment of the FIR.

4.The learned counsel appearing for the respondent No.2/the defacto complainant submits that while recalling the order dated 30.11.2021, the Division Bench of this Court had directed the respondent No.2 to approach the appropriate forum for custody of her children and accordingly, she has filed G.W.O.P. petition and the same is now pending consideration. The learned Additional Public Prosecutor on the other hand submits that there are serious allegations in the FIR and already 3 witnesses were examined.



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5.Considering the circumstances, since there are serious allegations against the petitioners and the police have already examined two more witnesses apart from the defacto complainant, this Court is of the opinion that instead of considering this petition to quash the FIR in Crime No.34 of 2023, which is at threshold, the police are directed to proceed with the investigation and complete the same as expeditiously as possible. The respondent police are hereby directed not to harass the petitioners or not to take any coercive steps against them including arrest. The petitioners are directed to cooperate for the investigation and appear before the respondent police as and when required by the respondent police and not to leave this country.

6.With the above directions, this Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

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

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To

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



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DR.D.NAGARJUN. J.

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