



CrI.O.P.(MD)No.12612 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.07.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CRL.O.P.(MD)No.12612 of 2023
and
CRL.M.P.(MD)No.9885 of 2023

1.Mathusoothanan

2.Rajeswari

... Petitioners / A4 and A5

Vs.

1.State Rep by The Inspector of Police,
AWPS, Nagercoil Police Station,
Kanyakumari District.
(Crime No.13 of 2023)

... 1st Respondent / Complainant

2.Pooja

... 2nd Respondent / Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C,
praying this Court to call for the records pertaining to the impugned FIR in
Crime No.13 / 2023 on the file of the respondent Police and quash the same.

For Petitioners : Mr.S.Ramsundarvijayraj

For R1 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor



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ORDER

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2.On a complaint given by the 2nd respondent, a case has been registered against the husband, the petitioners / A4 and A5 and other family members of her husband for the offences under Sections 498(A), 294(b), 406 and 506(i) IPC and Sections 4 and 6 of Dowry Prohibition Act. It is submitted by the learned counsel for the petitioners / A4 and A5 that the petitioners / A4 and A5 have never resided with the family of the 2nd respondent and her husband / accused No.1 and that even as per the complaint, there are no specific allegations against the petitioners / A4 and A5, hence, sought for quashment of FIR.

3.The learned Additional Public Prosecutor appearing for the 1st respondent, on the other hand, submitted that as per the contents of the First Information Report, which runs into six pages, the defacto complainant has clearly mentioned about alleged harassment faced by her in the hands of the petitioners / A4 and A5.



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4.Considering the submissions made by both counsel and considering the fact that the investigation is at threshold and number of other witnesses are required to be examined, based on the First Information Report, it cannot be concluded at this stage that the petitioners / A4 and A5 have not committed the offences alleged by the defacto complainant. Even otherwise as per FIR, there is a material against the petitioners / A4 and A5 Therefore, this petition filed by the petitioners seeking for quashment of the First Information Report at this stage cannot be considered. Accordingly, this Criminal Original Petition is dismissed, however, the respondent Police are directed not to take any coercive steps so far as these petitioners / accused Nos.4 and 5 are concerned, including the effecting of arrest. The petitioners are also directed to appear before the respondent Police during the course of investigation. Consequently, connected miscellaneous petition is also closed.

13.07.2023

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

Yuva



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DR.D.NAGARJUN. J.

Yuva

To

- 1.The Inspector of Police,
AWPS, Nagercoil Police Station,
Kanyakumari District.

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

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