



Crl.O.P.(MD)No.12839 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.12839 of 2023
and Crl.M.P(MD).No.10046 of 2023

1.Sunitha Arul Thas
2.Jack Savio

... Petitioners

Vs.

1.The State rep.by
The Inspector of Police,
District Crime Branch,
Tirunelveli.
Crime No.4 of 2023.

2.Arasarathinam

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to Crime No.4 of 2023 dated 03.06.2023 on the file of the first respondent and quash the same as illegal as against the petitioners alone.

For Petitioner :Ms.Seeni Syed Aruna
for Mr.S.Rajasekar

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
for R1
Mr.K.Jeyamohan for R2



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ORDER

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This Criminal Original Petition is filed seeking quashment of the FIR in Crime No.4 of 2023 dated 03.06.2023 registered for the offence under Sections 420 and 120(b) of IPC.

2. It is submitted by the learned counsel appearing for the petitioners that even as per the FIR, the names of the petitioners were not mentioned, except referring that wife and son of the accused No.1 also involved in committing the offence. It is submitted that the defacto complainant has mistook the petitioners as wife and son of the accused No.1 and that the first petitioner and the accused No.1 are not living together since long time and that the first petitioner has also filed D.O.P.No.322 of 2023 against the accused No.1 seeking divorce and thereby, submitted that she has not committed the offence. Hence, the petitioners sought for quashment of the FIR.

3. The learned counsel appearing for the second respondent submits that as per the FIR itself, the names of the petitioners are specifically mentioned and they were shown as A4 and A5 and that the



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petitioners have been residing along with the accused No.1 in the address of the accused No.1.

5. Since there are clear overtact as per the allegation against the petitioners, unless the investigation is completed, the truth or otherwise the allegations made against the petitioner cannot be decided at this stage of FIR and thereby, it is not a fit case to quash the FIR.

6. Accordingly, this Criminal Original Petition is dismissed. Since the offences under Section 420 and 120 B carry less than seven years of punishment, the first respondent Police is directed to follow scrupulously the procedure of Section 41A Cr.P.C during the course of investigation. Connected miscellaneous petition is also closed.

18.07.2023

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



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To

- 1.The Inspector of Police,
District Crime Branch,
Tirunelveli.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN,J

ssb

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