



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.12.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD)No.15466 of 2020
and
Crl.MP(MD)No.7531 of 2020

1.Balasubramanian

2.Ranjitham

3.Subashini

4.Jeyaseelan

... Petitioners/Accused Nos.1,2,3&4

Vs.

1.The State represented by,
The Inspector of Police,
AWPS, Tallakulam P.S.,
Madurai.
(In Crime No.31 of 2020)

... Respondent/Complainant

2.Rajathi

... Respondents/Defacto complainant

Prayer : Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in connection with the First Information Report Crime No.31 of 2020 on the file of the 1st Respondent Police and quash the same.



For Petitioners : Mr.Nirangan S.Kumar
For R1 : Mr.P.Kottaichamy
Government Advocate (Crl.Side)
For R2 : Mr.R.Rajamohan

ORDER

This petition has been filed to quash the impugned FIR in Crime No. 31 of 2020 on the file of the first Respondent Police.

2. The petitioners are the accused in Crime No.31 of 2020 on the file of the first respondent police and they have committed the offence under Sections 498(A), 406, 294(b) and 506(1) of IPC.

3. The prosecution case is follows:-

The first petitioner is the husband and the petitioners 2 to 4 are the in-laws of the defacto complainant. The first petitioner and the defacto complainant are working in Police Department. The marriage was solemnized between the first petitioner and the defacto complainant on 27.08.2014. During the wedlock, they are blessed with two children. Even though, sufficient dowry was given at the time of marriage, the petitioners herein are said to have harassed the defacto complainant to pledge her



jewels and demanded additional dowry. Further, the first petitioner did not take care of the defacto complainant and the children and also abandoned them. Hence, the defacto complainant was forced out of the matrimonial home and she lodged a complaint before the respondent police. The same was registered in Crime No.31 of 2020 for the offence under Sections 498(A), 406, 294(b) and 506(1) of IPC. Challenging the same, the petitioners have filed this petition.

4. The learned Government Advocate (Crl.Side) appearing for the State submitted that the Investigating Agency completed the investigation in Crime No.31 of 2020 and filed a final report before the Additional Mahila Court, Madurai, on 07.01.2022. At this stage, the petition to quash the FIR cannot be entertained.

5. At this juncture, the learned counsel for the petitioners submitted that in view of the judgment of the Hon'ble Supreme Court in the case of ***Anand Kumar Mohatta Vs. State (NCT of Delhi) Department of Home and Another (Crl.A.No.1395 of 2018)*** reported in ***AIR 2019 SC 210***, this Court has inherent power to quash the proceedings upon perusal of the final report.



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6. This Court perused the final report. In the final report, abundant materials are found to make out a *prima facie* case under Sections 498(A), 406, 294(b) and 506(1) of IPC. The appreciation of the said statement of the witnesses and the defense of the petitioners are not within the domain of this Court while entertaining the quash petition under Section 482 of Cr.P.C., Hence, this Court is not inclined to entertain the quash petition filed by the petitioners.

7. However, the petitioners are at liberty to raise all the points, which were stated in this quash petition before the learned trial Judge and the learned trial Judge shall consider the same without influenced by the observation made by this Court.

8. With the above said liberty and direction, the Criminal Original Petition is closed. Consequently, the connected miscellaneous petition is closed.

07.12.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
pjl/dss



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To

- 1.The Inspector of Police,
AWPS, Tallakulam P.S.,
Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.,

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