



Crl.O.P(MD) No.15878 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :13.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

Crl.O.P(MD) No.15878 of 2020

and

Crl.M.P(MD) No.7794 of 2020

M.Madhumitha

... Petitioner

Vs.

1. The Inspector of Police
Vaiyampatti Police Station
Manaparai Taluk
Trichy District

2. C.Muniyappan

..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 First Information Report in Crime No.798 of 2020 dated 02.09.2020 on the file of the first respondent and quash the same as illegal.

For Petitioners : Mr.M.Suresh

For R-1 : Mr.M.Sakthikumar
Government Advocate(Crl.Side)

For R-2 : No appearance



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ORDER

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This Criminal Original Petition has been filed to quash the First Information Report in Crime No.798 of 2020 on the file of the first respondent police.

2. According to the petitioner the defacto complainant is none other than the husband of the petitioner and there is a matrimonial dispute pending between them. Due to some misunderstanding the second respondent gave a false complaint before the first respondent and based on the complaint the first respondent registered a case in Crime No.798 of 2020 for the offences under Sections 406, 417 and 420 of IPC.

3. It is the case of the petitioner that after marriage the petitioner and the second respondent lived happily as husband and wife for a period of six years and they begot one male child. Thereafter the second respondent suspected the character of the petitioner and harassed her. In the meantime the second respondent gave complaint before the Superintendent of Police, Trichy and the same was forwarded to the Deputy Superintendent of Police, Manaparai to conduct enquiry on the complaint given by the petitioner dated 21.08.2020. She appeared before the Deputy Superintendent of Police, Manaparai and at that time a



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car bearing Reg.No.TN 47 AK 4844 which belongs to the petitioner was taken away by the first respondent and the Deputy Superintendent of Police told that after completing enquiry the car will be handed over to the petitioner. Thereafter the petitioner filed a petition in Crl.O.P(MD) No.9622 of 2020 and the same was disposed on 18.09.2020. Thereafter the petitioner approached the learned Magistrate, Manaparai and filed petition for return of vehicle and the same was returned by the learned Judicial Magistrate, therefore the criminal breach of trust and cheating would not attract. Due to misunderstanding between the parties, a false complaint has been lodged as against the petitioner and the pending First Information Report is abuse of process of law.

4. No counter was filed by the respondents.

5. The learned counsel appearing for the petitioner would contend that the petitioner is the wife of the defacto complainant and there is a misunderstanding between the petitioner and the defacto complainant and thereby a false complaint has been given. Even as per the complaint car belongs to the petitioner and she never take anything and jewels, thali chain and other ornaments also belongs to the petitioner and she never takes anything belongs to the second respondent. The allegations are vague in respect of ornaments. Due to misunderstanding between the parties a false complaint has been lodged by the second



respondent. The car bearing registration number TN47 AK 4844 belongs to the petitioner and the same was under the custody of the first respondent and after filing petition before this Court in Crl.O.P(MD) No. 9622 of 2020 the petitioner got back the car. Therefore even as per the First Information Report the offences are not made out, hence the pending First Information Report is clear abuse of process of law and it is liable to be quashed

6. The learned Government Advocate(Crl.Side) appearing for the first respondent would contend that based on the complaint given by the second respondent the first respondent registered First Information Report. Due to misunderstanding with the second respondent the petitioner took gold jewels of the second respondent and the complaint was given and based on that complaint First Information Report has been registered and now the case is under investigation and at this stage the First Information Report cannot be quashed and the petition is liable to be dismissed.

7. Heard both sides and perused the materials available on record.

8. It is an admitted fact that the defacto complainant is the husband of the petitioner and there is a family dispute between the



parties and even as per the First Information Report the petitioner has taken the thali chain, ring, bracelet and another chain and the petitioner has also taken the car. Those are all the allegations made against the second respondent. Since there is a matrimonial dispute pending between the parties this complaint has been lodged by the husband as against wife and the allegations mentioned in the First Information Report are vague and general allegations. The learned Magistrate also after considering the records ordered to return the vehicle to the petitioner. Further in order to attract the provision under Section 406 of IPC there is no ingredient and no entrustment of the property by the second respondent to the petitioner. In so far as the offences under Sections 417, 420 of IPC are concerned there is no intention from the inception and without any ingredients to constitute the offence under Sections 417 and 420 of IPC the pending First Information Report is abuse of process of law. Further there are no specific allegations mentioned in the First Information Report and the allegations mentioned in the First Information Report are vague and no documents were filed to substantiate that the above ornaments belong to the defacto complainant. In view of the above discussions and considering the relationship between the parties, this Court is inclined to quash the First Information Report.



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9. Accordingly this Criminal Original Petition is allowed and the First Information Report in Crime No.798 of 2020 on the file of the first respondent is hereby quashed. Consequently connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
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To

1. The Inspector of Police
Vaiyampatti Police Station
Manaparai Taluk
Trichy District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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