



Crl.O.P(MD).No.16622 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Crl.O.P(MD).No.16622 of 2021

and

Crl.M.P(MD) No.8975 of 2021

1. Aravindhan
2. Shanmuganathan
3. Murugaveni
4. Venkatesh
5. Rathi
6. Chitra
7. P.Ravikumar
8. Thenmozhi

...Petitioners

Vs

1. The Inspector of Police
All Women Police Station,
Bodi, Theni District

2. Iswariya

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records relating to the First Information Report in Crime No.5 of 2021 pending on the file of the first respondent and quash the same as against the petitioners.

For Petitioner : Mr.V.Sukumar

For R-1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R-2 : Mr.B.Arun



Crl.O.P(MD).No.16622 of 2021

ORDER

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This Criminal Original Petition has been filed to quash the First Information Report in Crime No.5 of 2021 pending on the file of the first respondent.

2. According to the petitioner, the defacto complainant one Iswariya has lodged a complaint before the first respondent police as against the petitioners on 20.02.2021. The first petitioner is the husband of the defacto complainant Iswariya, who is the second respondent herein. On 26.02.2021 the petitioners have handed over all the jewels and articles to the second respondent and also she made an endorsement to that effect. After marriage the second respondent refused to live peacefully with the first petitioner and thereafter she consumed poison on 16.01.2021. The second respondent also lodged another complaint on 01.03.2021 before the first respondent. The first petitioner has also filed a petition a H.M.O.P. petition before the Sub Court, Uthamapalayam. While so, the second respondent has given a false complaint against the petitioners in Crime No.5 of 2021 for the offences under Sections 498(A) and 294(b) of IPC. Only to harass the petitioners the present First Information Report has been registered and same is liable to be quashed.



Crl.O.P(MD).No.16622 of 2021

WEB COPY

3. When the case is taken up for hearing today, the learned Additional Public Prosecutor represented that already the case has been charge sheeted before the learned Judicial Magistrate, Bodinayakkanur in C.C.No.70 of 2021 and the case stands posted for further proceedings on 18.07.2023.

4. The learned counsel appearing for the second respondent/defacto complainant also admitted that the case has been charge sheeted and C.C.No. 70 of 2021 is pending before the learned Judicial Magistrate, Bodinayakkanur and therefore nothing survives in this petition.

5. Considering the representation made by the learned counsel appearing on either side and also the considering the fact the investigation has been completed and the final report has been taken on file by the learned Judicial Magistrate, Bodinayakkanur in C.C.No.70 of 2021, it is not appropriate to invoke the provisions under section 482 of Cr.P.C at this stage and the matter to be tried elaborately, therefore this petition is liable to be dismissed.

6. At this juncture the learned counsel appearing for the petitioners prayed that this Court may direct the trial Court to expeditious the matter and



CrI.O.P(MD).No.16622 of 2021

to dispose of the case within the stipulated time.

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Crl.O.P(MD).No.16622 of 2021

WEB COPY

7. Since the matter is pending from the year 2021 and also considering the nature of offence, it is appropriate to direct the learned Judicial Magistrate, Bodinayakkanur to dispose of the case pending in C.C.No.70 of 2021 on its file as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order.

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

07.07.2023

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

1. The Judicial Magistrate, Bodinayakkanur
2. The Inspector of Police
All Women Police Station,
Bodi, Theni District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P(MD).No.16622 of 2021

P. DHANABAL,J.

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Crl.O.P(MD).No.16622 of 2021

07.07.2023