



Crl.O.P.No.3353 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P No.3353 of 2024
and Crl MP No.2484 of 2024

B.Padmapriya

...Petitioner

Vs.

1.The State Rep. by its
The Inspector of Police,
W19, All Women Police Station,
Adyar, Chennai District.

2. V.Sindhuja

...Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the entire records in Crime No.16 of 2023 on the file of Inspector of Police, W19, All Women Police Station, Adyar, Chennai District.

For Petitioner : Mrs.R.Hemalatha

For Respondent : Mr.A.Damodaran, APP

ORDER

This petition has been filed to quash the FIR in Crime No.16 of 2023 on the file of Inspector of Police, W19, All Women Police Station, Adyar, Chennai District.



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2. Heard Mrs.R.Hemalatha, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondent.

3. On carefully reading the FIR, it is seen that the entire allegation has been made only as against A1. This petitioner has been arrayed as an accused only on the ground that A1 seems to be talking to this petitioner over phone. That single allegation in the complaint has resulted in roping in the petitioner as A2 in this case.

4. Even if the entire allegations in the FIR is taken as it is, no offence under Section 498A, 323 and 506(i) of IPC has been made out against the petitioner.

5. In a matrimonial dispute, the police will have to be very careful while adding the names of accused persons in the FIR. If the allegation specifically points out to the commission of certain offense against certain individuals, only their names must be first added in the FIR. In the course of investigation, if additional materials are collected pointing out to the



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offence committed by others also, their names can also be added through an alteration report. Adding the names of everyone without any material, invariably results in filing a quash petition before this Court by the concerned persons who come before this Court with a grievance that their names have been added as an accused without any material or without any allegation or based on some general allegations. This observation shall be keep in mind by the respondent police. Adding the name of a person in an FIR results in causing inroads into the liberty of a person guaranteed under Article 21 of the Constitution of India. Therefore, it is a very serious issue when the name of a person is added in an FIR.

6. In the light of the above discussion, the petitioner shall not be construed as an accused in this case for the present. It is left open to the 1st respondent to proceed further with the investigation and collect all the relevant materials. If any solid materials are available against the petitioner, she can be added as an accused at a later point of time. If no materials are available, the final report can be filed as against A1. This observation will sufficiently take care of the interest of the petitioner.



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7. This Criminal Original petition is disposed of in the above terms. Consequently, the connected miscellaneous petition is closed.

16.02.2024

Index : Yes/No
Internet : Yes/No
Speaking Order : Yes/No
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To

1. The Inspector of Police,
W19, All Women Police Station,
Adyar, Chennai District.
2. The Public Prosecutor,
High Court, Madras.

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