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CrI.O.P.No.10860 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.10860 of 2024

1. K.Prabhakaran.
2. M.Karunanithi.
3. K.Mullaipoongulali.
4. K.Pradeepan.

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

/versus/

1. The State Rep. by
The Inspector of Police,
W-14 All Women's Police Station Thiruvottiyur,
Chennai – 600 019.

... Respondent/Respondent

2. Dr.J.Aswini

... Respondent/Defacto complainant

Prayer: Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.20 of 2022 on the file of Inspector of Police, W14, All Women Police Station, Thiruvottiyur, Chennai and to quash the same.

For Petitioner : Mr.C.Senthil Nathan

For R1 : Mr.S.Udaya Kumar,
Government Advocate (CrI.Side)

For R2 : Mr.Thirumaran



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ORDER

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This petition is to quash the F.I.R pending investigation on the file of the Inspector of Police, W-14 All Women's Police Station, Thiruvottiyur in Crime No.20 of 2022.

2. The complainant is the wife of the 1st petitioner. The 2nd and 3rd petitioners are father-in-law and mother-in-law of the complainant. The 4th petitioner is the brother of the 1st petitioner.

3. The Learned Counsel for the petitioners submits that the police complaint was given after eight months of the separation and after initiating divorce proceedings by the 1st petitioner and that there is no serious allegation worth registering a complaint for investigation. Just to give a criminal colour for the matrimonial dispute and to counterblast the divorce proceedings, the complaint is given and same is pending for more than 2 years, causing harassment and mental torture to the petitioners.

4. The Learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that serious allegation of cruelty, sexual torture,



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matrimonial rape, extortion and dowry demand been made in the complaint against all these petitioners and the police has substantially investigated the complaint and final report will be filed soon.

5. Taking into consideration of the allegations found in the complaint and the submissions made by the Learned Government Advocate (CrI.Side) for the 1st respondent, this Court is of the view that the veracity of the complaint need a full fledged investigation and only on completion of the investigation, whether material sufficient to frame charge against these petitioners is available or not can be determined. It is open to the petitioners herein to question the final report, if there is no material to proceed further available in the final report and documents relied along with the final report.

6. The Learned Government Advocate (CrI.Side) for the 1st respondent states that the investigation will be completed within a period of 60 days and final report will be filed by then.



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7. Recording the said undertaking, this Criminal Original Petition is disposed of.

24.06.2024

Index : Yes/No.

Neutral Citation : Yes/No.

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Copy to:-

1. The Inspector of Police, W-14 All Women's Police Station Thiruvottiyur, Chennai – 600 019.
2. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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