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Crl.O.P.No.22505 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22505 of 2022

and

Crl.M.P.No.14469 of 2022

1.Dr.Irfana Nasreen
2.Syed Meeran Bibi
3.Dr.Sheik Davooth

... Petitioners

Vs.

1.The Inspector of Police,
Choolaimedu Police Station,
Chennai.
(Crime No.317 of 2022)

2. Mohamed Ali

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records in Crime No.317 of 2022 on the file of the 1st
respondent and to quash the same.

For Petitioners	: Mr.N.Mohideen Basha
For R1	: Mr.S.Vinoth Kumar Govt. Advocate (Crl.Side)
For R2	: Mr.T.Shanmuga Boopathi



Crl.O.P.No.22505 of 2022

ORDER

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2. The case of the prosecution is that the marriage between the defacto complainant's son Asik Ali and Irfana Nasreen / A1 was solemnized on 04.04.2021 in Madurai and the due to difference of opinion A1 along with her parents left the matrimonial home on 14.02.2022 after locking the door and thereafter the defacto complainant locked the gate and the defacto complainant's son pronounced three talaqs. On 09.05.2022, Irfana Nasreen / A1 along with her parents came to Chennai and broke open the gate lock and went inside the house using her keys. Hence, the complaint

3. The learned counsel for the petitioners submitted that, due to matrimonial dispute the son of the 2nd respondent has filed a suit in O.S.No.135 of 2022 before the learned VI Additional Family Court, Chennai on 17.05.2022, to declare the marriage between him and 1st petitioner stands



Crl.O.P.No.22505 of 2022

dissolved in view of Talaq sent by him on 12.01.2022, 12.02.2022 and 12.03.2022 as legal and valid. He further submitted that the suit has now been transferred to the learned Family Judge, Madurai and the same is pending and no competent Court has declared the marriage between the 1st petitioner and the son of 2nd respondent as dissolved and the 1st petitioner is also having rights in the matrimonial home. Moreover as long as her Sridhana properties are inside the matrimonial home. On bare reading of the allegations itself shows that no offence is made out as against the petitioners. Only in order to harass the petitioners, the 2nd respondent has filed a petition against the petitioners. Hence, he prays to quash the FIR.

4. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that based on the complaint lodged by the defacto complainant, the case was registered in Crime No.317 of 2022 by the 1st respondent police for the alleged offences under Section 427, 448, 454 and 385 of IPC. Subsequently, the petitioners also filed a counter blast complaint against the defacto complainant in Crime No.318 & 319 of 2022. 1st petitioner is the wife and the 2nd and 3rd petitioners are inlaws of the defacto complainant's son. Due to matrimonial dispute the defacto complainant gave



Crl.O.P.No.22505 of 2022

the complaint against the petitioners.

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5. On a perusal of the records, it reveals that due to matrimonial dispute, already DVC is pending before the learned Additional Mahila Judge, Madurai. In order to harass the petitioners, the 2nd respondent has filed this petition against the petitioners and also considering the age of the 2nd and 3rd petitioners, this Court is inclined to quash the proceeding of the FIR in Crime No.317 of 2022, on the file of the 1st respondent.

6. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

02.02.2024

Index: Yes/ No
Neutral Citation: Yes/No

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To



Crl.O.P.No.22505 of 2022

1. The Inspector of Police,
Choolaimedu Police Station,
Chennai.

2. The Public Prosecutor,
High Court of Madras.

T.V.THAMILSELVI, J.

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