



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 24968 of 2022

& Crl.MP. No. 15593 of 2022

1.Manivasagam
2.Sivamalar

...petitioners

Vs.

1.The State of Tamil Nadu Represented by
The Inspector of Police,
W-9, All Women Police Station,
Villivakkam, Chennai.
2. Ansuya

...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to
call for the records relating to the first information report in crime No. 14 of
2022, on the file of the first respondent police and quash the same.

For Petitioner : Mr.Ashok Kumar
For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl. side)
For R2 : Mr.S.Sheik Ismail

ORDER



The petitioners herein filed this petition to call for the records relating to the first information report in crime No. 14 of 2022, on the file of the first respondent police and quash the same.

2.The petitioners herein are the in-laws of the defacto complainant/second respondent are arrayed as A2 and A3 and the husband of complainant is arrayed as A1. The defacto complainant lodged a complaint before the respondent police stating that there was a dispute between the defacto complainant and her husband, at that time, in-laws/petitioners herein attacked the defacto complainant. Besides, the defacto complainant was harassed by these petitioners when they were stayed at USA. Hence, the defacto complainant lodged the complaint, based on that the respondent police filed a FIR under Section 498(A), 406 and 420 of IPC.

3. The learned counsel for the petitioners submit that there was a misunderstanding between the defacto complainant and his husband/A1 and these petitioners were lived separately and they were no way connected with the matrimonial home of the defacto complainant since because the defacto complainant and her husband



were at USA. Only few months the petitioners were stayed at USA with her son later they came to India. Due to misunderstanding with her husband the defacto complainant came down to India along with child. Subsequently, she was living in India and filed DVC case and there was mutual agreement was entered between them as per terms the DVC proceedings was withdrawn and as per the terms of the said agreement both of them maintain the child and visitation right was given to the father/A1. Subsequently, the said terms were not complied by her and the defacto complainant lodged a complaint against the husband and her in-laws. Accordingly, present FIR was lodged. Further, the learned counsel for the second respondent submits that the defacto complainant is not inclined to live with her husband/A1 nor she ready to comply the terms of the said agreement, more particularly, with regard to the visitation right to see the child there was misunderstanding arose, in order to get over the mutual terms she gave a false complaint against the petitioners. Hence, he prays to quash the proceedings and also pointed out that father of the defacto complainant namely Rangaraj in his own letter dated



05.07.2021 declared that petitioners have not demanded any dowry and not paid any dowry whatsoever manner. Further, he stated that her wife is not inclined to settle the issue by reunite the daughter with the A1. Those letter dated 05.07.2021 was produced by the petitioners counsel and same is perused.

4. The entire facts reveals that, due to misunderstanding between the defacto complainant and her husband/A1 there was dispute between them and also out of that the defacto complainant went to her parent's house. On the other side, the husband/A1 wanted to live with her and child the same was not permitted by her. Hence, the defacto complainant, approached the Court and initiated Guardian OP No. 431 of 2022 wherein this Court passed the order on 12.01.2024 and given visitation right to the father. However, the defacto complainant went to Canada to pursue her higher studies. As on date, she left the country. Now, she is in Canada and child is under the custody of grand parents. Further, the visitation right given by this Court to A1 father of the child.



5. Considering the entire facts, after giving complaint the defacto complainant is not inclined to live with her husband and went to Canada to pursue her higher studies and also handed over the child to her parents. Though she filed application to grant permanent custody of the child, she went to Canada for her higher studies. As a mother she is not inclined to look after the child and she is only interested in her higher studies. Considering the facts of the present case, the Defacto complaint herself not claimed any Seethana articles from the petitioners and also there is no incriminating materials against the petitioners. Hence, the FIR filed by the respondent police in FIR No. 14 of 2022 is quashed.

6. In the result, this Criminal Original Petition is allowed. No costs. Consequentially, connected miscellaneous petition is closed.

29.01.2024

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To
The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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