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CrI.O.P.No.29967 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.29967 of 2024 and
CrI.M.P.No.168949 and 16896 of 2024

N.Bhuvaneshwari

... Petitioner

Vs.

1. The Sate rep. By
The Inspector of Police
District Crime Branch
Salem, Salem District
Crime No.13 of 2022

2. Aravinthkumar

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records relating to the charge sheet in C.c.No.569 of 2024 on the file of the Judicial Magistrate No.VI, Salem, quash the same in so far as the petitioner is concerned.

For Petitioner	: Mr.N.Manoharan
For 1 st Respondent	: Mr.S.Sugendran
	Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed by the petitioner to quash the case against the petitioner in C.C.No.569 of 2024 for the offences under Sections 120(B), 406, 420, 506(1) IPC, on the file of the Judicial Magistrate No.VI, Salem.

2. The learned counsel for the petitioner submitted that the petitioner is arrayed as A5 in C.C.No.569 of 2024 on the file of the learned Judicial Magistrate No.VI, Salem. The contention of the petitioner is that there is inordinate delay in lodging the complaint. Even as per the complaint, the cause of action arose seven years back. But the FIR in Crime No.13 of 2022 was registered only on 23.09.2022 for the offences under Sections 120(B), 406, 420, 506(1) IPC. The petitioner is the wife of A2 and even as per the final report, absolutely there is no allegation against the petitioner in respect of offence under Sections 120(B), 406 and 420 IPC. Insofar as the offence under



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Section 506(1) IPC is concerned, no ingredients to attract the offence is made

out. The complainant has not spoken anything about the specific overt-act against the petitioner. Therefore, this offence is not made out. To attract Section 506(1) I.P.C., the ingredients must be satisfied. The learned counsel also placed reliance on the Judgement of the Hon'ble Supreme Court in ***Vikram Johar Vs. State of Uttar Pradesh and Another*** reported in ***(2019) 14 SCC 207***.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent police and perused the materials available on record.

4. Since no adverse order is being passed, notice to the 2nd respondent is dispensed with.

5. It is seen that the petitioner has been arrayed as A5 in C.C.No.569 of 2024 on the file of the Judicial Magistrate No.VI, Salem. It is made clear that, FIR is not an Encyclopedia and it is only a First Information Report to set the law into motion. The final report reveals the involvement of the petitioner.



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Even the witnesses L.Ws.1, 2 and 3 have spoken about the involvement of the petitioner. Though the petitioner submitted that there is no specific allegation except the fact that the present petitioner is non other than the wife of A2, a reading of the complaint and the statements recorded under Section 161(3) Cr.P.C. shows that the petitioner along with other accused have given life threat to the defacto complainant.

6. The submissions made by the learned counsel for the petitioner are in the nature of defence which can be established only during trial. Further, the judgement referred by the learned counsel for the petitioner is not applicable to the present case on hand. As stated above, on a perusal of the records shows that there is specific allegation against the petitioner.

7. Therefore, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

8. Further, the personal appearance of the petitioner is dispensed with. However, the petitioner is directed to appear before the learned Magistrate as



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and when the presence of the petitioner is required and the petitioner is at liberty to take all his defence during trial.

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Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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To

1. The Judicial Magistrate No.VI, Salem

2. The Inspector of Police

K2, Ayanavaram Police Station, Chennai – 23

3. The Public Prosecutor

High Court of Madras



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P.VELMURUGAN. J.

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