



CrI.O.P.(MD)No.2317 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **31.01.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

CrI.O.P.(MD) No.2317 of 2022
and
CrI.M.P.(MD).No.1699 of 2022

1.Dhamsudheen

2.Ayisha Banu

3.Babu

4.Baritha

5.Kamilabegam

6.Abdhul Muthalip

... Petitioners

Vs.

1.The State through
the Inspector of Police,
All Women Police Station,
Pattukottai,
Thanjavur District.

2.Ramzan Begam

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the FIR in Crime No.7 of 2021 pending on the file of the first respondent and quash the same insofar as the petitioners are concerned.



CrI.O.P.(MD)No.2317 of 2022

For petitioners : Mr.P.Sivachandran
For R-1 : Mr.B.Nambiselvan,
Additional Public Prosecutor
For R-2 : Mr.A.Senthil Kumar

ORDER

This petition has been filed seeking to quash the FIR in Crime No.7 of 2021 pending on the file of the first respondent Police.

2. The case of the prosecution is that due to matrimonial dispute pending between the first petitioner and the second respondent, the petitioners herein attacked the second respondent / *defacto* complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that for the very same allegations, the second respondent had already given a complaint before the respondent Police and the respondent Police conducted the investigation and after completing the investigation, the charge sheet has been filed and the same was taken on file in C.C.No.117 of 2018 before the learned Judicial Magistrate, Pattukottai.



WEB COPY



Crl.O.P.(MD)No.2317 of 2022

4. The learned Additional Public Prosecutor appearing for the first respondent Police would submit that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and hence, he would pray to dismiss the present petition.

5. On a reading of the FIR, there appears to be some materials for the investigation to proceed. During the course of investigation, if it is found that the *defacto* complainant has deliberately roped in all the petitioners, it is needless to state that action against them should be dropped. Interfering with the investigation, which is at an infancy stage under Section 482 of the Code of Criminal Procedure, will be against the law laid down by the Supreme Court in ***State of Haryana and others vs. Bhajan Lal and others*** reported in ***1992 Supp (1) SCC 335***. The first respondent police is directed to bear in mind the tendency of such complainants to rope in all and sundry, falsely only to harass them and cautiously proceed with the investigation, so that innocents are not subjected to humiliation.



Crl.O.P.(MD)No.2317 of 2022

6. Accordingly, this criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed. However, the petitioners are at liberty to canvass all the grounds, which are all raised in the present petition, before the first respondent Police to decide the case.

31.01.2024

Index : Yes/No
Internet : Yes/No
TSG

To

- 1.The Inspector of Police,
All Women Police Station,
Pattukottai,
Thanjavur District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.2317 of 2022

M.DHANDAPANI. J.

TSG

Crl.O.P.(MD)No.2317 of 2022

31.01.2024