



CrI.O.P.(MD)No.4129 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.OP(MD) No.4129 of 2024 and
CrI.MP(MD) No.3269 of 2024

R.Kannan

... Petitioner

Vs

1.The Inspector of Police,
All Women Police Station,
Thiruverumbur,
Trichy District.
Cr.No.09/2023.

2.Mathimalar

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR registered in Cr.No.09/2023, dated 04.07.2023 on the file of the first respondent police insofar as this petitioner is concerned.

For Petitioner
For R1

: Mr.M.Karthick
: Mr.M.Sakthi Kumar
Government Advocate(CrI.side)

ORDER

This Criminal Original Petition is filed to quash the First



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Information Report in Crime No.9 of 2023, on the file of the first respondent police, insofar as the petitioner is concerned.

2.The case of the petitioner is that the case in Crime No.9 of 2023 has been registered for the offence punishable under Sections 498(A), 494, 406, 420, 294(b), 323 and 506(i) of IPC, at the instance of the petitioner's wife/ the second respondent herein that the petitioner has performed a second marriage, when the first marriage was in existence. The learned counsel for the petitioner submits that the petitioner has already filed an application seeking divorce as against the second respondent before the Family Court, Trichy in HMOP No.88 of 2018 and has also obtained a decree on 28.09.2021. Even according to the second respondent, the petitioner is said to have married another woman on 10.06.2022. Even assuming the allegations are true, the marriage is said to have performed only on 10.06.2022, i.e. after the decree granted by the Family Court, dated 28.09.2021. Therefore, the learned counsel submits that the so called offence does not attract in this case and the First Information Report is liable to be quashed.



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3.The learned counsel for the second respondent submits that the case has been registered not only for the offence under Section 494 of IPC, but also for the offence under Sections 498(A), 406, 420, 294(b), 323 and 506(i) of IPC. With regard to the application of this petitioner that the petitioner has obtained a decree of divorce from the Family Court on 28.09.2021, the learned counsel for the second respondent submits that the second respondent has challenged the Judgment and decree passed in HMOP No.88 of 2018 before this Court in CMA No. 184 of 20, wherein, she has obtained an order of interim stay on 28.02.2022. The petitioner has performed the second marriage on 10.06.2022 after the interim order passed by this Court in the above CMA. He further submits that the petitioner is also a party to that proceedings and he is well aware of the interim order granted by this Court in CMA. However, he has deliberately performed the second marriage with the another woman.

4.This Court considered the rival submissions made and also perused the materials placed on record.



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5.The case is pending at the stage of investigation. The grounds raised by the petitioner can very well be considered by the investigating officer during the course of investigation. The FIR is nothing but registering the complaint in the register of the Police. The purpose of investigation is to find out truth whether the complaint is genuine or not. The investigating officer is expected to conduct the investigation in a fair and proper manner by considering the evidence produced by the defacto complainant and the accused. The grounds raised by the petitioner herein can very well be appreciated by the investigating officer during the course of investigation.

6.The motto of the government in its emblem is Truth Alone Triumphs and therefore, it is the responsibility of every government servant including the investigating officer to discharge their duty as expected by the government and to ensure Truth alone Triumphs.

7.Therefore, this petition is disposed of with liberty to the investigating officer to conduct the investigation by considering the points raised in this application, during the course of investigation and



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shall conclude the investigation within a period of four months either by filing final report or with a closure report. The petitioner shall place all the materials before the investigating agency. Consequently, the connected miscellaneous petition is closed.

03.07.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
vrn

To

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



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B.PUGALENDHI,J

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Order made in
Crl.OP(MD) No.4129 of 2024 and
Crl.MP(MD) No.3269 of 2024

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