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Crl.O.P.(MD).No.10768

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.10768 of 2021

Jackson

...Petitioner

Vs.

1.State represented by
the Inspector of Police,
All Women Police Station,
Tiruchendur.
(Crime No.11 of 2021)

2.Anto Iruthaya Jinoslin

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to accept the joint compromise memo and quash the FIR in Crime No.11 of 2021 dated 25.06.2021 registered by the first respondent Police under Sections 417 and 376 IPC based upon the complaint of the defacto complainant.

For Petitioner

: Mr.S.R.Anbarasu

For R-1

: Mr.A.Albert James,
Government Advocate (Crl. Side)

For R-2

: Mr.V.Rajiv Rufus



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ORDER

This petition has been filed to quash the proceedings in Crime No.11 of 2021 on the file of the respondent Police for the offences under Sections 417 and 376 IPC.

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the petitioner submitted that the very basis on which the FIR was registered against the petitioner no longer survives, since the petitioner has married the *defacto* complainant subsequently and the marriage has also been registered before the Registrar of Marriages on 01.07.2021. The learned counsel submitted that the misunderstanding / matrimonial discord between the petitioner and the second respondent after the marriage, cannot revive the cause of action with which the original FIR was registered by the Police. Therefore, it was contended that once the substratum goes, there is nothing to be investigated with the FIR as it stands.

4. The learned counsel appearing for the second respondent submitted that the petitioner had married the second respondent only with a view to escape from the investigation in the pending FIR and that there was no genuineness on the part of the



petitioner to continue with a marital relationship with the second respondent.

Therefore, it was contended that the so-called marriage between the petitioner and the second respondent was an eye wash and the dishonest mind on the part of the petitioner continued and hence, the subsequent developments which took place after the registration of the FIR must also be made part of the investigation by the respondent Police.

5 The above contentions raised by the learned counsel on either side are matters to be taken into consideration by the respondent Police in the course of investigation. Obviously, the respondent Police cannot now go ahead with the investigation only based on the allegations made in the FIR and they have to necessarily take into consideration the subsequent developments. On such consideration, the Investigation Officer has to arrive at a conclusion as to whether the case is made out against the petitioner or no case is made out against the petitioner. Accordingly, a police report or a closure report can be filed. This Court cannot enter into the realm of the Investigation Officer and come to a conclusion on this aspect.

6. The contentions put forward by the learned counsel appearing on behalf of the petitioner is purely factual in nature and this Court cannot venture into conducting a mini investigation into the matter and it therefore does not fall within



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the ambit of its jurisdiction under Section 482 of Cr.P.C. This Court must also bear in mind the parameters laid down by the Apex Court in *Neeharika Infrastructure Pvt.Ltd.*, case reported in **2021 SCC Online SC 315**. Any finding on facts will also have a bearing on the investigation conducted by the respondent Police.

7. In the facts and circumstances of the case, this Court is not inclined to interfere with the investigation conducted by the respondent Police at this stage.

8. In the result, this Criminal Original Petition is dismissed and the respondent Police is directed to proceed further with the investigation in accordance with law and complete the investigation and file a final report or a closure report, as the case may be, within a period of three months from the date of receipt of a copy of this order.

12.12.2024

Index : Yes / No
Internet : Yes / No
Speaking Order/Non Speaking Order
TSG

To

1.The Inspector of Police,
All Women Police Station,
Tiruchendur.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,

<https://www.mhc.tn.gov.in/judis>



Madurai.

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N.ANAND VENKATESH, J.

TSG

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