



Crl.O.P.(MD)No.10559 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.10559 of 2023 and
Crl.MP(MD) No.8387 of 2023

1.Vasanth
2.Amala
3.Sivakumar

... Petitioners

Vs

1.Manjula,
2.The Inspector of Police,
All Women Police Station,
Rameshwaram.

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the record and quash the FIR in Crime No.01/2022 dated 08.02.2022 on the file of 2nd respondent police as against petitioners.

For Petitioners
For R1
For R2

: Mr.T.S.Mohammed Mohideen
: Mrs.A.Banumathy
: Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)



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ORDER

The petitioners are the in-laws of the defacto complainant. They have filed this petition to quash the First Information Report in Crime No.4 of 2022 on the file of the respondent police, which was registered for the offence under Sections 406, 498(A) and Section 4 of Dowry Prohibition Act, 1961.

2.The learned counsel appearing for the petitioners submits that there is no specific averments as against these petitioners. However, the case has been registered as against these petitioners. This Court, while entertaining this application has granted an interim direction, directing the respondent police not to file the final report. This Court, while granting such a relief has also recorded that a prima facie case has been made out by the petitioners. Despite the order of this Court, the respondent police has filed the final report before the concerned Magistrate Court and the same was taken on file in CC No.149 of 2023.

3.The learned counsel for the petitioners has raised objections with regard to the manner, in which, the final report has been



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filed by the respondents. Therefore, the petitioners have filed a memo before the concerned Magistrate Court not to take the final report on file.

However, the final report was taken on file by the concerned Magistrate and the same is pending in CC No.149 of 2023. The learned counsel for the petitioners has relied upon the judgment of the Honourable Supreme Court, in *Joseph Salvaraj vs. State of Gujarat and Others*, reported in *2011 (7) SCC 59* and submits that though the final report has been filed, this Court is having the power to quash the First Information Report, based on which, the final report has been filed.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the final report has been filed inadvertently without ascertaining the interim order granted by this Court in this petition. The Inspector of Police, who is present before this Court has tendered an unconditional apology for filing the final report mistakenly, without ascertaining the order passed by this Court.

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



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6.Since the final report has been filed, whether it is intentionally or inadvertently, the same was also taken on file by the concerned Magistrate and the same is pending in CC No.149 of 2023. However, the petitioners are having a remedy before this Court by challenging the final report.

7.In view of the above, this Criminal Original Petition is dismissed. The petitioners are at liberty to challenge the final report in the manner known to law. Consequently, connected Miscellaneous Petition is closed.

01.07.2024

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

Note: Issue order copy on **03.07.2024.**

To

- 1.The Inspector of Police,
All Women Police Station,
Rameshwaram.
- 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.O.P.(MD)No.10559 of 2023 and
Crl.MP(MD) No.8387 of 2023

01.07.2024