



CRL OP(MD). No.9364 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated :01.07.2024

CORAM

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

CRL.O.P(MD). No.9364 of 2024

and

CRL.M.P.(MD)No.6407 of 2024

1. Ramachandran,
2. Buvaneshwari,
3. Pandiyarajan,
4. Priyanga,
5. Arthi

... Petitioners

Vs

1. State rep. by  
The Inspector of Police,  
All Women Police Station,  
Nilakkottai,  
Dindigul District.  
(Crime No.5/2024)

2. Nivethika

... Respondents

**Prayer :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case in Crime No.5/2024 on the file of 1<sup>st</sup> respondent and quash the same.



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For Petitioner : Mr.Ramasamy.S  
For R-1 : Mr.B.Thanga ARavindh  
Government Advocate (Crl. Side)

### **ORDER**

This Criminal Original Petition is filed to quash the First Information Report in Crime No.5 of 2024 pending on the file of the first respondent police, insofar as the petitioners are concerned.

2. The learned Counsel for the petitioners submits that the petitioners are in-laws and they are living separately. However, the second respondent/defacto complainant has added them as accused in her complaint dated 26.03.2024. The respondent police without verifying the same through the Social Welfare Officer had registered a case in a mechanical manner. Further, he relied on the complaint of the defacto complainant dated 25.10.2023 stating that in the earlier complaint, the defacto complainant has not made any single averment as against the petitioners. However, subsequent complaint has been lodged by the defacto complainant in the month of March, 2024 by adding the



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petitioners as accused and a case has been registered as against the petitioners.

3. The learned Counsel for the petitioners submits that on account of the steps taken by A-1/Husband by filing a divorce application before the Sub Court, Dindigul, the defacto complainant lodged a complaint as against the petitioners on 26.03.2024.

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

5. The case is only at the stage of FIR. In matrimonial dispute, the respondent police ought to have registered the complaint only after referring the complaint to the Social Welfare Officer. In this case, without even ascertaining the complaint of the defacto complainant through the Social Welfare Officer, a case has been registered in a mechanical manner. Though the petitioners have placed certain materials before this Court stating that in the earlier complaint dated 25.10.2023, the defacto complainant has not made any whisper about the petitioners'



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role, it is a matter to be decided only during the course of investigation.

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6. Therefore, this Court is not inclined to interfere at this stage.

However, the respondent police is directed to conduct an investigation in a fair and proper manner and find out the truth in the compliant

7. Accordingly, this Criminal Original Petition is closed.

Consequently, connected miscellaneous petition is closed.

**01.07.2024**

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

1. The Inspector of Police,  
All Women Police Station,  
Nilakkottai,  
Dindigul District .

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

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**B.PUGALENDHI,J**

jbr

**Order made in**  
**CrI.O.P.(MD)No.9364 of 2024**

**01.07.2024**