



Crl.O.P.(MD)Nos.10153 of 2023 and 23177 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)Nos.10153 of 2023 and 23177 of 2022

and

Crl.M.P.(MD)Nos.16449 and 16452 of 2022

Crl.O.P.(MD)No.10153 of 2023

Santhiya

... Petitioner/Defacto Complainant

Vs

The Inspector of Police,
All Women Police Station,
Sivagangai.
Crime No.24 of 2022

... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to file the final report in Crime No.24 of 2022 on the file of the respondent.

For Petitioner

: Mr.G.R.Satish

For Respondent

: Mr.P.Kottaichamy
Government Advocate (Crl. side)

Crl.O.P.(MD)No.23177 of 2022

1.Amalarockia Doss @ Amal Arockia Dass

2.Arockiyameri @ Arockiyamary



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3.Amala @ Ignés Maria Amala

4.Jerald @ Edward Jerold

... Petitioners/A1 to A4

Vs

1.The Inspector of Police,
All Women Police Station,
Sivagangai, Sivagangai District.

... Respondent/Complainant

2.Santhiya

... Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.24 of 2022 on the file of the first respondent/All Women Police Station, Sivagangai, Sivagangai District and quash the same.

For Petitioner : Mr.S.C.Herold Singh

For R1 : Mr.P.Kottaichamy
Government Advocate (Crl. side)

For R2 : Mr.G.R.Satish

COMMON ORDER

Crl.O.P.(MD)No.10153 of 2023 has been filed by the defacto complainant in Crime No.24 of 2022 seeking a direction to the respondent police to conclude the investigation within the stipulated time.



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WEB COPY 2.Crl.O.P.(MD)No.23177 of 2022 has been filed by the petitioners/A1 to A4 seeking to quash the proceeding, which is pending against them in Crime No.24 of 2022.

3.The learned counsel for the petitioner in Crl.O.P.(MD)No.10153 of 2023 submits that though the case was registered in the year 2022, the respondent police has not taken steps to conduct the investigation.

4.The learned Government Advocate (Crl. side) submits that it is a matrimonial dispute and they have examined five witnesses and since the accused have filed an application in Crl.O.P.(MD)No.23177 of 2022 to quash the proceedings, they have not proceeded with the investigation.

5.The learned counsel for the petitioners/A1 to A4 in Crl.O.P(MD)No.23177 of 2023 submits that the first petitioner is the husband of the defacto complainant and the other petitioners are in-laws and they have not shared the matrimonial household and they are living separately. However, the case has been foisted as against the other in-



WEB COPY 6.This Court considered the rival submissions made on either side and perused the material records of the case.

7.In the absence of any interim order, it is not justified on the part of the respondent police to refer this quash application filed by the accused in Crl.O.P.(MD)No.23177 of 2022 in not proceeding with the investigation. Insofar as the quash application is concerned, the main contention of the petitioners is that the petitioners 2 to 4 are the in-laws and they are living separately. Moreover, the first petitioner is the husband, who also filed the quash application along with the other accused on the very same grounds. The grounds raised by the petitioners could be appreciated only during the course of investigation. On these grounds, this Court is not inclined to quash the proceedings at the stage of investigation.

8.Accordingly, these Criminal Original Petitions are dismissed with a direction to the respondent police to conduct the investigation in a fair manner by taking note of the grounds raised by the petitioners in Crl.O.P.(MD)No.23177 of 2022 and to conclude the investigation and



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also file a final report before the concerned Court within a period of six weeks from the date of the receipt of a copy of this order, either by filing final report or with a closure report. Consequently, connected miscellaneous petitions are closed.

27.06.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes
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To

- 1.The Inspector of Police,
All Women Police Station,
Sivagangai.
- 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)Nos.10153 of 2023
and 23177 of 2022

27.06.2024