

Crl.O.P.(MD)No.16004 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13.02.2024

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD).No.16004 of 2020
and
Crl.M.P.(MD).No.7951 of 2020

G.Radhika

... Petitioner

Vs.

1.The Inspector of Police,
Silaiman Police Station,
Madurai District.
(Crime No.210 of 2019)

2.V.Gopinathan

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to quash the FIR (First Information Report) pending against the petitioner/accused in Crime No.210 of 2019 on the file of the first respondent.

For Petitioner : Mr.R.Sevugaraja

For Respondents : Mr.R.M.S.Sethuraman

Additional Public Prosecutor for R1

: Mr.M.Kannan for R2



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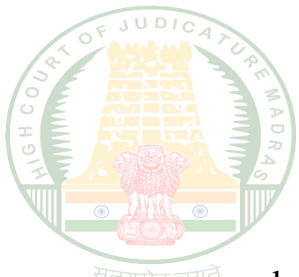
ORDER

Sole accused in Crime No.210 of 2019 on the file of the first respondent has filed this petition to quash the FIR.

2.The petitioner is the wife of the 2nd respondent. She is said to have committed offences under Sections 294(b), 323 and 506(i) of IPC.

3.The 2nd respondent gave the complaint with the following allegation:

He married the petitioner and two female children were born out of their wedlock and thereafter, in the year 2016, she developed illegal relationship with his relative and left the matrimonial home with jewels and cash. Therefore, he gave a complaint and the petitioner agreed to live with him. Subsequently, the 2nd respondent went abroad to work and then he came back to India. At that time, the petitioner preferred a complaint before the All Women Police Station with allegation of cruelty against the 2nd respondent and the same was registered and the 2nd respondent got bail. After that, on 20.05.2019 at 10.15 AM., when the second respondent was at his home engaged in some work, the petitioner came there and assaulted him and criminally intimidated him. Therefore, the



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respondent police registered the case against the petitioner under Sections 294(b), 323 and 506(i) of IPC. To quash the same, the petitioner has filed this petition.

4.The learned counsel for the petitioner submitted that the petitioner married the second respondent on 23.03.2001. The petitioner's parents had purchased a house site in her name. The second respondent insisted to transfer the same in his name. In these circumstances, on 20.05.2019, there was some quarrel between the parties. Hence, the respondent assaulted the petitioner and his daughter. Therefore, a complaint was lodged before the Melur Police Station and the same was registered in Crime No.2 of 2019 for the alleged offences punishable under Sections 294(b), 323 and 506(i) of IPC. Then it is alleged that the petitioner is said to have assaulted the respondent on 20.05.2019. There was no truth in the said allegation. In order to escape from the proceedings initiated against the respondent, he filed a false case against the petitioner. From the reading of the FIR, it shows that the allegation is false one. There are multiple proceedings, pending between the parties. In view of the special circumstances of the case, the petitioner's case fits in the category of cases covered under Bajanlal case, reported in 1992(1) Suppl SCC 335 and seeks to quash the FIR.



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5.The learned counsel for the defacto complainant submitted that the plea of the petitioner has to be considered at the time of trial and this Court has no jurisdiction to look into the defence by appreciating the evidence on records at this stage.

6.The learned Additional Public Prosecutor appearing for the first respondent has also reiterated the submission made by the learned counsel appearing for the defacto complainant and seeks for dismissal of this case.

7.This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record.

8.The second respondent assaulted the petitioner and her daughter and hence case was registered in Crime No.2 of 2019 and he has been released on bail. Thereafter, he has preferred the complaint with allegation that she caused injuries to him. This Court called the CD file and perused the draft final report and found no wound certificate to sustain the allegation of the second respondent that the petitioner caused injuries to him. As stated about earlier the second



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respondent assaulted the petitioner and her daughter and a complaint was given to the All Women Police Station and the same was registered in Crime No.2 of 2019 and he got bail. In this case, according to the 2nd respondent, the occurrence is said to have taken place on 20.05.2019 and the FIR Was registered on 06.06.2019. There is no explanation for the said delay and the same was significant in this case for the reason that the petitioner had already initiated criminal proceedings against the second respondent and various proceedings are pending between them in O.S.No.168 of 2019, M.C.No.21 of 2019 and H.M.O.P.No.19 of 2019, Crime No.198 and 2019 all against the second respondent and this Court finds every reason to accept the submission of the learned counsel for the petitioner that the case was belatedly made against the petitioner with false allegation. Further, this Court perused the records and it is seen that there was no annexure of documents to prove the injuries sustained by him and hence, apparently the allegation of the second respondent seems to be false. In the said circumstances, this Court is inclined to allow this case.

9.Accordingly, this Criminal Original Petition stands allowed and the proceeding initiated in the FIR (First Information Report) pending against the petitioner/accused in Crime No.210 of 2019 on the first of the first respondent is



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hereby quashed. Consequently, connected Criminal Miscellaneous Petition is
closed.

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13.02.2024

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

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To

- 1.The Inspector of Police,
Silaiman Police Station,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- 3.The Section Officer,
The Criminal Section (Records)
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

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