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Crl.O.P.(MD)No.18203 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.18203 of 2022

and

Crl.M.P.(MD).No.12135 of 2022

1.Jones
2.Jeritta
3.Palraj

... Petitioners

Vs.

1.The State represented by
the Deputy Superintendent of Police,
Thiruverumbur,
Trichy District.

2.The State represented by
the Inspector of Police,
All Women Police Station,
Thiruverumbur,
Trichy.
(Crime No.15 of 2022)

3.Sowmiya

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records in Crime No.15 of 2022 on the file of the second respondent and quash the same.

For petitioners

: Mr.A.Joel Paul Antony

For R-1 & R-2

: Mr.B.Nambiselvan,
Additional Public Prosecutor



Crl.O.P.(MD)No.18203 of 2022

For R-3

: Mr.S.Micheal Heldon Kumar

ORDER

This petition has been filed seeking to quash the proceedings in Crime No.15 of 2022 on the file of the second respondent Police, insofar as the petitioners are concerned.

2. The case of the prosecution is that the marriage of the first petitioner and the second respondent was registered under the Christian Marriage Act. Both of them were living happily for a period of one year and after the said period, it is alleged that the second respondent has illegal intimacy with another man. Hence, the first petitioner filed IDOP before the concerned Court. It is further alleged that the petitioners herein have harassed the second respondent. Due to which, the third respondent / defacto complainant has given a complaint before the second respondent Police and the same was registered in Crime No.15 of 2022 for the alleged offence punishable under Sections 498(A) and 406 IPC and Sections 3(1)(r), 3(1)(s) of SC/ST (Prevention of Atrocities) Act. Challenging the same, the present petition has been filed.



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3. The learned counsel appearing for the petitioners would submit that the respondent Police has registered a case against the petitioners without considering the real fact. He would further submit that there is no specific overtact against the petitioners.

4. The learned Additional Public Prosecutor appearing for the first respondent Police would submit that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and hence, he would pray to dismiss the present petition.

5. Heard the learned counsel appearing for the third respondent.

6. On a reading of FIR, there appears to be some materials for the investigation to proceed. Interfering with the investigation, which is at an infancy stage under Section 482 of the Code of Criminal Procedure, will be against the law laid down by the Supreme Court in *State of Haryana and others vs. Bhajan Lal and others* reported in *1992 Supp (1) SCC 335*.



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Crl.O.P.(MD)No.18203 of 2022



7. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed. However, the second respondent Police is directed to conclude investigation in Crime No.15 of 2022 within a period of four weeks from the date of receipt of a copy of this order.

12.03.2024

Index : Yes/No
Internet : Yes/No
TSG

To

- 1.The Deputy Superintendent of Police,
Thiruverumbur,
Trichy District.
- 2.The State represented by
the Inspector of Police,
All Women Police Station,
Thiruverumbur,
Trichy.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.O.P.(MD)No.18203 of 2022

M.DHANDAPANI. J.

TSG

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