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Crl.O.P.(MD)No.19930 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.19930 of 2022

1.Nepoliyan

2.Vasantha

3.Subramaniyan

... Petitioners / Accused Nos.1 to 3

Vs.

1.State represented by
the Inspector of Police,
Viralimalai Police Station,
Pudukottai District.
(Crime No.180 of 2022)

2.Karuppaiya

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for records in Crime No.180 of 2022 on the file of the first respondent Police and quash the same as illegal.

For petitioners

: Mr.B.Sekar

For R-1

: Mr.S.Manikandan,
Government Advocate
(Criminal Side)



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ORDER

This petition has been filed seeking to quash FIR in Crime No.180 of 2022 on the file of the first respondent Police, insofar as the petitioners are concerned.

2. The case of the prosecution is that the second respondent lodged a complaint against the petitioners before the respondent Police alleging that his widowed daughter, viz., Swathi fell in love with the first petitioner and both of them left their home and married. Based on the complaint given by the second respondent, FIR was originally registered as “Women Missing” and subsequently, altered into the offence under Sections 417, 376(1) and 506(ii) IPC. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the respondent Police has included the petitioners’ name in the FIR without considering the real fact. He would further submit that there is no specific overtact against the petitioners. He would further submit that the second and third petitioners are the parents of the first petitioner.



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4. The learned Government Advocate (Criminal Side) 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. On a reading of the 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*.

6. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed. However, the first respondent Police is directed to conclude the investigation in Crime No.180 of 2022 within a period of twelve (12) weeks from the date of receipt of a copy of this order.

19.03.2024

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



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To

1.TheInspector of Police,
Viralimalai Police Station,
Pudukottai District.

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



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M.DHANDAPANI. J.

TSG

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