



WEB COPY



Crl.O.P.(MD)No.19229 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.19229 of 2022

1.Ramesh Chandrakumar

2.S.Pandi

3.M.Sivalingam

4.Mahendran

... Petitioners

Vs.

1.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

2.Chitra

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the FIR in Crime No.151 of 2022 dated 09.06.2022 on the file of the first respondent police registered for the offences under Sections 147, 448, 294(b), 323, 363, 341 of IPC and Section 4 of Women Harassment of Act.



Crl.O.P.(MD)No.19229 of 2022

For petitioners	: Mr.A.Arul Jenifer
For R1	: Mr.S.Manikandan Government Advocate (Crl. Side)
For R2	: Mr. N.Adithyavijayalayan

ORDER

This Criminal Original Petition is filed to quash the FIR in Crime No.151 of 2022 dated 09.06.2022 on the file of the first respondent police.

2. The case of the prosecution is that the defacto complainant while she was at her home on 09.06.2022 along with her daughter, namely, Bhuvana and her son, namely, Tamilselvam, the petitioners and other accused entered into the defacto complainant's house and slapped her and took away the said Bhuvana and performed the marriage between the second accused and the said Bhuvana. Hence the defacto complainant lodged a complaint against the petitioners and other accused.

3. The learned counsel for the petitioners submitted that no allegation is made out against the petitioners in the FIR and they are simply accompanied with the other accused. Without any allegation, by impleading the petitioners in the said case to face the criminal



proceedings is not a sustainable one. He has also referred the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)*** and prayed to allow this petition.

4. The learned Government Advocate (Crl.Side) appearing for the first respondent police submitted that the petitioners along with the other accused persons entered into the defacto complainant's house and attacked the defacto complainant and her son and took away her daughter. Hence, he vehemently opposed to allow this petition.

5. The learned counsel for the defacto complainant submitted that all those issues are triable issues, which cannot be canvassed before this Court, at this stage and it can be canvassed only at the time of trial.

6. As per the direction of this Court, the victim girl is present before this Court and she stated that for more than five years, the victim girl and the second accused loved each other and the same was not accepted by her parents. Therefore, she married the second accused without the knowledge of the defacto complainant and the same was not accepted by the defacto complainant. Hence, she lodged a false complainant against the petitioners and others. She further stated that the



petitioners and other accused were not attacked the defacto complainant and her son.

7. Heard both sides and perused the materials available on record.

8. The facts in the present case is not in dispute. The victim girl and the second accused loved each other for more than five years and the defacto complainant did not accept their love and to perform the marriage between them. Therefore, the petitioners along with the other accused with the consent of the victim girl entered into the victim girl's house and took away her.

9. Perusal of FIR shows that allegation was made against the first and the second accused and there is no allegation against the petitioners, since they are only accompanied with the first and second accused. The victim girl stated that the accused persons and the victim's family are close relatives and she also stated that the first and the second accused did not attack the defacto complainant and her son. The victim girl further states that the defacto complainant has not accepted the marriage performed between the victim girl and the second accused. Hence, she lodged a false complainant against the petitioners.



Crl.O.P.(MD)No.19229 of 2022

10. Considering the fact that no allegation is made out against the present petitioners, this Court is inclined to quash the FIR in Crime No. 151 of 222 against the petitioners alone. Accordingly, this Criminal Original Petition is allowed and the same benefit is not extended to the other accused. In respect of the other accused, the respondent police is directed to complete the investigation and file a charge sheet before the concerned Court as early as possible.

19.03.2024

Index : Yes/No
Internet : Yes/No
tta

To

- 1.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.19229 of 2022

M.DHANDAPANI. J.

tta

CrI.O.P.(MD)No.19229 of 2022

19.03.2024