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CrI.O.P.No.30832 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.30832 of 2024

and

CrI.M.P.No.17541 of 2024

Moshmi

... Petitioner

Vs.

1. The Sub-Inspector of Police,
All Women Police Station,
Nehru Street,
Puducherry – 605 001,
Crime No.0004 of 2024.

2. Jeyasuba

... Respondents

Prayer: Criminal Original Petition filed under Section 528 BNSS 2023, to call for the records and quash the FIR in Crime No.0004 of 2024 pending investigation on the file of the 1st respondent-Police.

For Petitioner : Mr.K.S.Ilangovan
for M/s.Achari and Antoni Associates

For Respondents : Mr.K.S.Mohandass
Additional Public Prosecutor
(Puducherry) assisted by
Mr.M.Thamizhmani for R1
D.Senthil Kumar for R2



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ORDER

This Criminal Original Petition is filed to quash the F.I.R in Crime No.0004 of 2024 pending investigation on the file of the 1st respondent-Police.

2. The marriage between the first accused in Crime No.0004 of 2024 and the second respondent- *de-facto* complainant was solemnised on 24.11.2019 and due to difference of opinion, they got separated in 2021 and M.O.P., D.V.C., and M.C. Cases are also pending before the Courts below. While that being so, after separation of three years, the *de-facto* complainant had lodged a complaint against A1 to A4 and A5, who is a third party alleging adultery and that a case in Crime No.0004 of 2024 was registered against A1 to A5 for offences under Sections 294(b), 323, 34 and 498-A IPC.

3. Learned counsel for the petitioner submitted that the petitioner-A5, is the third party to the alleged complaint. He further submitted that the *de-facto* complainant had lodged a complaint against A5 for adultery without even an allegation to constitute a cognizable offence against A5.



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The petitioner is innocent and she has been falsely implicated in this case.

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

5. On a perusal of the records it is seen that *prima facie* there are materials against the petitioner to proceed with the case further and it is a matter for trial and only after completion of trial, the involvement of the petitioner in the alleged offence will come to light. Hence this Court is not inclined to entertain this petition by invoking Section 528 BNSS Act, 2023. However, the petitioner is at liberty to work out her remedy in a manner known to law.

6. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

23.01.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

1. The Sub-Inspector of Police,
All Women Police Station,
Nehru Street,
Puducherry – 605 001.

2.The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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