



WEB COPY



Crl.O.P.Nos.30603 and 30601 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.Nos.30603 and 30601 of 2024

and

Crl.M.P.Nos.17407 and 17403 of 2024

Sivaraman

... Petitioner
in Crl.O.P.No.30603 of 2024

1. K.Ezhumalai
2. Santhi
3. Satish

... Petitioners
in Crl.O.P.No.30601 of 2024

Vs.

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

2. Jeyasuba

... Respondents
in both Crl.O.Ps

Common Prayer: Criminal Original Petitions 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.



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For Petitioners : Mr.K.S.Ilangovan
for M/s.Achari and Antoni Associates
(in both Crl.O.Ps)

For Respondents : Mr.K.S.Mohandass
Additional Public Prosecutor
(Puducherry) assisted by
Mr.M.Thamizhmani for R1
(in both Crl.O.Ps)

D.Senthil Kumar for R2
(in both Crl.O.Ps)

COMMON ORDER

These Criminal Original Petitions are 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 petitioner-husband in Crl.O.P.No.30603 of 2024 has been arrayed as A1 and the petitioners-in laws in Crl.O.P.No.30601 of 2024 have been arrayed as A2 to A4.

3. The marriage between the petitioner-A1 and the second respondent- *de-facto* complainant was solemnised on 24.11.2019 and due to difference of opinion, they got separated in 2021. The petitioner-husband filed a petition in M.O.P.No.306 of 2021 for dissolution of



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marriage under Section 13(1)(i)(a) of the Hindu Marriage Act and the same is pending on the file of the Family Court, Pondicherry. The *de-facto* complainant-wife filed D.V.C.No.108 of 2022 before the Judicial Magistrate Court-III, Pondicherry against her husband-A1 and her in-laws A1 to A4 and also filed a maintenance case in M.C.No.5 of 2024 against A1 and the same is also pending before the Family Court, Pondicherry. 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.

4. Learned counsel for the petitioners submitted that the petitioner-A1 and the second respondent are living separately from 2021 and filing of the present F.I.R is an after thought. The petitioners are innocent and they have been falsely implicated in this case. He further submitted that there is a matrimonial dispute between the petitioner-husband and the second respondent-wife, in which, the first respondent-Police had given a criminal colour to the civil case.



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5. Learned counsel appearing for the second respondent-*de-facto* complainant submitted that pending M.O.P., D.V.C., and M.C. Cases are nothing to do with the complaint registered against the accused persons.

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

7. On a perusal of the records it is seen that *prima facie* there are materials against petitioners to proceed with the case further and it is a matter for trial and only after completion of trial, the involvement of the petitioners in the alleged offence will come to light. Pending M.O.P., D.V.C., and M.C., cases are nothing to do with the allegations made in the complaint which was registered against the petitioners herein. Hence this Court is not inclined to entertain this petition by invoking Section 528 BNSS Act, 2023. However, the petitioners are at liberty to work out their remedy in a manner known to law.

8. Accordingly, these Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

23.01.2025

Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No



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To

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Puducherry – 605 001.

2.The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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