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Crl.O.P.No.28679 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.28679 of 2023

and

Crl.M.P.No.19937 of 2023

1. N.Arivazhagan
2. N.Sakunthala Devi
3. Kavitha @ Nagalakshmi
4. M.Manivannan

... Petitioners

Vs

1. The State,
Rep. by Sub Inspector of Police,
E-2, Peelamedu, Coimbatore City,
Coimbatore – 641 004.
2. The State,
Rep. by Inspector of Police,
E-2, Peelamedu, Coimbatore City,
Coimbatore – 641 004.

3. S.Poorni

... Respondents

Prayer: Criminal Original Petition filed under 482 of Cr.P.C., to quash the FIR No.611 of 2023 dated 28.09.2023 on the file of the first respondent Police, E2, Peelamedu Police Station, Coimbatore City, Coimbatore – 641 004.



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For Petitioners : Mr.M.Aravind Subramaniam,
Senior Counsel
Mrs.C.K.Lavanyavathi
For Respondents : Mr.A.Gopinath
Govt. Advocate (Crl. Side)

ORDER

This petition has been filed to quash the First Information Report in Crime No. 611 of 2023, dated 28.09.2023, on the file of the first respondent Police, E2, Peelamedu Police Station, Coimbatore City, Coimbatore – 641 004.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first and second respondents and perused the materials available on record. Though notice has been served, the third respondent has not entered appearance, either in person or through Counsel.



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4. Admittedly, after obtaining a decree for divorce in HMOP No. 1392 of 2017, dated 16.02.2023, on the ground of cruelty, the third respondent lodged a complaint. Now, the third respondent has got married to another person and is living happily. That apart, on a perusal of the entire First Information Report, there are absolutely no allegations as against the petitioners to attract the offences under Sections 498(A) and 420 of IPC. The only allegation is that the third respondent lodged a complaint after obtaining the decree, and she came to understand that the first petitioner is not a doctor. Therefore, no offence is made out as against the petitioners, as alleged by the third respondent.

5. The learned Government Advocate (Crl. Side) appearing for the first and second respondents submitted that now the investigation has been completed, and a final report has been filed, and the same has not been taken cognizance of by the Judicial Magistrate-II, Coimbatore. Even after filing the final report, this Court can entertain the quash petition to quash the First Information Report, since there is absolutely no material to constitute any offence.



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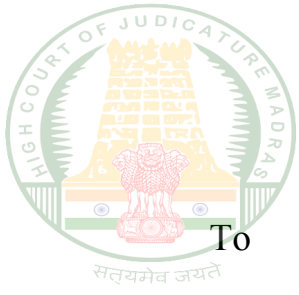
6. In view of the above, the impugned First Information Report cannot be sustained and it is liable to be quashed. Accordingly, the First Information Report in Crime No. 611 of 2023 is hereby quashed, and the subsequent final report, if any, is also quashed.

7. In the result, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

07.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

kv



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To

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1. The Sub Inspector of Police,
E-2, Peelamedu, Coimbatore City,
Coimbatore – 641 004.

2. The Inspector of Police,
E-2, Peelamedu, Coimbatore City,
Coimbatore – 641 004.

3. The Public Prosecutor,
High Court, Madras.

Copy to

The Judicial Magistrate-II, Coimbatore.



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G.K.ILANTHIRAIYAN. J.

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