



CrI.O.P.No.351 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.351 of 2025

K.Sivakumar

... Petitioner

Vs.

1. The State represented by
Inspector of Police
Sethiyathope Police Station,
Bhuvanagiri Taluk
Cuddalore District

2. Nagavalli

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records relating to impugned F.I.R. in Crime No.283 of 2013 dated 31.10.2013 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.S.Arokia Mani Raj

For 1st Respondent : Mr.S.Sugendran

Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed by the petitioner to quash the F.I.R. in Crime No.283 of 2013 dated 31.10.2013 on the file of the 1st respondent.

2. The learned counsel for the petitioner submitted that the petitioner and the 2nd respondent are husband and wife and that, a matrimonial O.P. is also pending before the Sub Court. Both the petitioner and the 2nd respondent separated and at that stage, the 2nd respondent made false allegations against the petitioner based on which, the 1st respondent police registered the case in Crime No.283 of 2013. Hence, the same has to be quashed.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent.

4. Since no adverse order is being passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.



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5. A perusal of the complaint and FIR shows that, there is a specific allegation against the petitioner especially, the petitioner is alleged to have assaulted the 2nd respondent/wife and also harassed and committed cruelty on her. The grounds taken by the petitioner is nothing by defence which can be agitated only during trial.

6. Since there is a specific allegation against the petitioner and there is no ground to quash the FIR, this Criminal Original Petition is dismissed.

7. The petitioner is at liberty to take all his defence before the trial Court.

08.01.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The Inspector of Police
Sethiyathope Police Station,
Bhuvanagiri Taluk
Cuddalore District

2. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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