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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P.No.18233 of 2023

and

Crl.M.P.No.12104 of 2023

Eswaran

..Petitioner

Vs

1. State Rep By
Inspector of Police,
All Women Police Station-West,
Coimbatore City.

2. Rajalakshmi

..Respondents

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records of the FIR in Crime No.34 of 2022 dated 11.8.2022, pending on the file of the 1st respondent and to quash the same.

For Petitioner:

Mr.K.Balasubramaniam

For Respondents:

Mr.A.Gopinath
Government Advocate (Crl.Side) For R1

No appearance For R2

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR registered in Crime No.34 of 2022 on the file of the first respondent.



2. Based on the complaint lodged by the second respondent, the first respondent registered an FIR in Crime No.34 of 2022 for the offences under Sections 498(A), 406 and 506(i) of IPC. The allegations in the complaint is that the second respondent got married to the first accused on 18.03.2013 and out of the wedlock, they gave birth to two children. At the time of marriage, the second respondent and her family members presented 50 sovereigns of gold ornaments and other sreedhana articles. After the marriage, they were lived in Coimbatore. While being so, on 01.01.2022, when the second respondent called the first accused to convey the New Year wishes, the first accused kept the phone on without disconnecting the call. At that time, the second respondent heard a voice of another woman, upon which she disconnected the call. Subsequently, when the second respondent again contacted the first accused and questioned him, he is alleged to have responded evasively. Further, on enquiry, the second respondent came to know that the said girl was the daughter of a servant working at their farm. It is further alleged that the jewels belonging to the second respondent were pledged and certain properties were purchased. Though the first accused promised to redeem the jewels, he failed to do the same. On receipt of the said complaint, the first respondent registered the present FIR.

3. The learned counsel appearing for the petitioner submitted that the petitioner is arrayed as A2. Though he was not named in the FIR at the time of



registration, after investigation, the first respondent arrested the petitioner and made request to remand him. However, the learned Judicial Magistrate granted bail to the petitioner on execution of bond without remanding him. Further, even according to the second respondent, the petitioner was informed about the illegal intimacy with another woman and that he failed to respond to the same. It is further alleged that the petitioner pledged the jewels belonging to the second respondent and purchased certain properties. The first accused refused to redeem the jewels and also he is having illegal intimacy with another woman. Therefore, there are no specific allegations to attract the offences under Sections 498(A), 406 and 506(i) of IPC as against the petitioner. Hence, the continuation of the proceeding as against the petitioner is liable to be quashed.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent. Though notice has been served on the second respondent, none appeared on behalf of the second respondent either in person or through pleader. Perused the materials available on record.

5. Admittedly, the petitioner has been arrayed as an accused in the FIR, and it is the specific case of the petitioner that he has been falsely implicated. Later, the first respondent arrested the petitioner and produced him before the learned Magistrate and requested to remand him. However, the



learned Magistrate, without acceding the request for remand, granted bail to the petitioner on execution of bond,

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6. A perusal of the remand report reveals that the first respondent has made two allegations against the petitioner. Firstly, it is alleged that the petitioner is arrayed as an accused on the ground that the first accused pledged the jewels belonging to the second respondent and purchased certain properties. Secondly, it is alleged that though the petitioner was aware of the alleged illicit relationship of the first accused with another women, he did not take any action. Both the allegations do not attract any of the offences as alleged by the second respondent. Even according to the second respondent, the jewels were pledged by the first accused and the allegation of illegal intimacy is also only against the first accused. The petitioner, who is the father-in-law of the second respondent, has nothing to do with the allegations made against him. Therefore, only on the ground of his relationship with the first accused, the petitioner has been falsely implicated as an accused without any specific overt act, and that too without any proper alteration of the FIR.

7. However, the first respondent mechanically added the petitioner as an accused and made request to remand him. The learned Magistrate, without acceding to the request for remand, rightly granted bail to the petitioner on execution of his own bond. Therefore, the entire proceedings are nothing but a



clear abuse of process of law as against the petitioner and the same cannot be sustained and liable to be quashed.

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8. Accordingly, the FIR registered in Crime No.34 of 2022 on the file of the first respondent, is hereby quashed. The first respondent is directed to complete the investigation and file a final report as against the first accused, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

9. In the result, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

21-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

LPP

To

1.The Inspector of Police,
All Women Police Station-West,
Coimbatore City.

2.The Public Prosecutor,
High Court of Madras,
Chennai.



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CRL OP No. 18233 of 2



G.K.ILANTHIRAIYAN J.

LPP

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