



Crl.O.P(MD)No.10780 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2023

CORAM:

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD)No.10780 of 2021

and

Crl.M.P(MD)No.5499 of 2021

1.Sibila Rajam

2.Jaya Selvan

.. Petitioners/Accused Nos.3 & 4

Vs.

1. The State Through,
The Inspector of Police,
All Women Police Station,
Kanyakumari.
Kanyakumari District

.. 1st Respondent/Complainant

2. Bavani

.. 2nd Respondent/ Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the Impugned FIR in Crime No.6 of 2021, dated 27.02.2021 on the file of the 1st respondent police and to quash the same as illegal insofar as the



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petitioners are concerned.

For Petitioner : No appearance
For R1 : Mr.M.Muthumanikkam,
Government Advocate(Criminal Side)
For R2 : No appearance

ORDER

The petitioners/accused Nos.3&4 have filed this petition to quash the FIR in Crime No.6 of 2021 on the file of the first respondent, wherein they are said to have committed the offence under Sections 498A, 406, 294(b)and 506(i) IPC r/w Section 4 & 6 of the Dowry Prohibition Act, 1961.

2. The case of the prosecution is that the Defacto Complainant namely Bavani married the 1st Accused in this case on 01.07.2018 at Kottaram NNCR Marriage hall as per Hindu rites and rituals. The defacto complainant got finished her degree M.Sc., B.Ed., and she worked as a Teacher in Ghana Deepam Matriculation School. After marriage, upon the insistence of the 1st and 2nd accused, she discontinued her job. Before marriage, all the accused persons approached the parents of the defacto



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complainant for the marriage proposal and they demanded 100 sovereign of gold jewels and Rs.5 lakhs cash and 12 lakhs worth about Sedan type car. The defacto complainant's parents had given 80 sovereign of gold jewels and Rs.5 lakhs cash as dowry and the said 5 lakhs cash and 80 sovereign of golden jewels were handed over to the 2nd accused on 01.07.2018 itself. At this juncture, after marriage, the 1st accused and the defacto complainant went to honey moon, at that time, both were stayed in the house of the defacto complainant's sister. Irked over the same, the 2nd accused had preached some bad things to the 1st accused and at her instigation, the 1st accused used to demand another 20 sovereign gold jewels and 2 lakhs rupees as cash. Therefore, the defacto complainant's father settled a property in favor of the accused in order to compensate the additional demand. Thereafter they shifted to Coimbatore and started their matrimonial life in Coimbatore. In Coimbatore, the 1st accused had taken treatment for impotence (loss of sperm count), but suppressed the said fact to the defacto complainant and informed her that he had taken treatment for head ache. On various occasions, the 2nd accused scolded the defacto complainant using filthy language and didn't give proper food



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to the defacto complainant and insulted her in several ways. Hence, she preferred a complaint to the learned Additional Mahila Court and upon the direction given by the learned Judicial Magistrate, Additional Mahila Court, the case has been registered by the 1st respondent police in Crime No.6 of 2021 for the offences under Sections 498A, 406, 294(b) and 506(i) IPC r/w Section 4 & 6 of the Dowry Prohibition Act, 1961 against the accused persons.

3. When the matter is taken up for hearing, eventhough the learned counsel for the petitioner as well as the learned counsel for the private respondent did not appear, the learned Government Advocate (Criminal side) submitted that after conducting investigation, the FIR in Crime No.6 of 2021 was closed as 'action dropped' and proper final report also filed before the jurisdictional Magistrate Court.

4. Recording the same, this Criminal Original Petition is dismissed. However, liberty is granted to the defacto complainant to work out her remedy in the manner known to law. Consequently, connected



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miscellaneous petition is closed.

21.04.2023

NCC : Yes/No
Internet: Yes/No
Index : Yes/No
PJL

To

1. The Inspector of Police,
All Women Police Station,
Kanyakumari.
Kanyakumari District

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

PJL

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