

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.1296 of 2015
and M.P.Nos.1 and 2 of 2015

Suganya

... Petitioner

Versus

1.The State rep by
The Inspector of Police,
All Women Police Station,
Melmaruvathur,
Kancheepuram District.

2.Jeevapriya

.. Respondents

Criminal Original petition filed under Section 482 of the Criminal Procedure Code praying to call for the records relating to the charge sheet filed in C.C.No.180 of 2014 on the file of the learned Judicial Magistrate, Madurantakam and quash the same.

For Petitioner : Mr.K.Thilagaraj
For R1 : Mr.M.Mohamed Riyaz,
Government Advocate [Criminal Side]

O R D E R

This Criminal Original Petition has been filed by the petitioner seeking to quash the charge sheet filed in C.C.No.180 of 2014 pending on the file of the learned Judicial Magistrate, Madurantakam.

2. Heard Mr.K.Thilagaraj, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, Government Advocate [Criminal Side] appearing for the 1st respondent.

3. On a complaint lodged by one Jeevapriya against her husband Senthil Kumar/A1 and his mother Padmavathy/A2, the Police had registered a case in Crime No.6 of 2014 for offences under Section 498[A], 406, 497, 506[1] IPC and Section 4 of Dowry Prohibition Act. On completion of investigation, the Police filed Final Report, which was taken on file as C.C.No.180 of 2014 by the learned Judicial Magistrate, Madurantakam and summons has been issued to the

petitioner herein, who is the 3rd accused in the Final Report.

4. The allegation against the petitioner/3rd accused is that the 1st accused is having an illicit intimacy with this petitioner/3rd accused. On a reading of the Final Report, the specific allegation made against this petitioner/3rd accused is for an offence under Section 497 IPC, which prescribes punishment for adultery. Prosecution under Section 497 IPC cannot be launched on a Police report but by a private complaint, that too by an aggrieved person and not the Police.

5. Under such circumstances, the prosecution against this petitioner in C.C.No.180 of 2014 is quashed and this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrl/gya

To

1.The Inspector of Police,
All Women Police Station,
Melmaruvathur,
Kancheepuram District.

2.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.K.Thilagaraj, Advocate Sr.20834

CRL.O.P.No.1296 of 2015

VSN(CO)
EU 29.04.2015

WEB COPY