

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1OP.No.13293 of 2015  
and M.P.Nos.1 and 2 of 2015

1.Kandhasamy  
2.Nirmala Devi ... Petitioners

Vs

1.The State rep.by  
The Inspector of Police,  
All Women Police Station,  
Thudiyalur,  
Coimbatore.

2.Shoba ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the proceedings in CC.No.27 of 2014 on the file of the learned Additional Mahila Court (Magisterial Level), Coimbatore and quash the same.

For Petitioners :Mr.T.Balaji

For Respondents :Mr.C.Emalias

Additional Public Prosecutor for R1

ORDER

This petition has been filed to quash the proceedings in CC.No.27 of 2014 on the file of the learned Additional Mahila Court (Magisterial Level), Coimbatore.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the 1<sup>st</sup> respondent and perused the material placed on record.

3.Private notice was ordered to the defacto complainant on 03.06.2015 and the learned counsel for the petitioners has filed an affidavit of service enclosing a returned postal cover with an endorsement "refused".

4.It is seen that the defacto complainant got married to A1 on 20.02.2012 and thereafter, their marriage ran into rough weather. It is alleged by the defacto complainant that the family members of her husband were demanding more and more money as dowry and they

did not permit her to have conjugal relationship with her husband. On the complaint lodged by the defacto complainant, the respondent police registered a case in Crime No.70 of 2013 for offences under Sections 498A and 506(ii) IPC against 11 accused. After completion of investigation, the respondent police filed final report against all accused for offences under Sections 498A and 506(i) IPC before the learned Additional Mahila Judge, (Magisterial Level), Coimbatore, which was taken on file in CC.No.27 of 2014. The petitioners, who are A10 and A11, are seeking to quash the prosecution as against them. In the FIR itself, the names of A10 and A11 has not been given, but, only the relationship has been given. A10 is the brother of the defacto complainant's father-in-law and A11 is the wife of A10. The respondent Police have filed a counter affidavit opposing the quashment of the prosecution against the petitioner. Therefore, this Court embarked upon an enquiry into the records of the case and found that apart from making an Omnibus allegation that A10 and A11 along with the other accused had cruelly treated the defacto complainant, there are no other materials on record for prosecuting A10 and A11. It is a common practice in matrimonial cases, to drag all the husband's family members. A10 and A11 are the paternal uncle and aunt of the husband and there is absolutely no allegations against them.

Under such circumstances, prosecution against A10 and A11 is an abuse of process of law and accordingly, this petition is allowed and the proceedings against A10 and A11 in CC No.27 of 2014 on the file of the learned Additional Mahila Judge (Magisterial Level), Coimbatore, is hereby quashed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Presiding Officer,  
Additional Mahila Court (Magisterial Level),  
Coimbatore.

2.The Inspector of Police,  
All Women Police Station,  
Thudiyalur,  
Coimbatore.

3.The Public Prosecutor, High Court, Madras.

+1 cc to Mr.A.thiyagarajan, Advocate, SR.29692.

Km(co)  
krd 1/7  
<https://hcservices.ecourts.gov.in/hcservices/>

Cr1OP.No.13293 of 2015  
and M.P.Nos.1 and 2 of 2015