

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 30.06.2015

Delivered on : 06.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.15725 of 2015
and M.P.Nos.1,2 of 2015

1.R.Ilaiyarasan
2.R.Selvi Vallinayagam
3.R.Kasthuri Mani
4.R.Sowndri Jagadeesan ... Petitioners

Versus

1.The Inspector of Police,
All Women Police Station,
Gudiyatham, Vellore District.
2.S.Sumathi ... Respondents

Criminal Original petition filed under Section 482 of the Criminal Procedure Code praying to call for records pertaining to charge sheet filed in CC.No.106 of 2013 on the file of the Judicial Magistrate, Gudiyatham and quash the same.

For Petitioners : Mr.C.Vijayakumar
For Respondents : Mr.C.Emalias, Addl. Public Prosecutor
[for R1]

O R D E R

This petition has been filed to quash the proceedings in CC.No.106 of 2013 on the file of the learned Judicial Magistrate, Gudiyatham.

2. Heard the learned counsel for the petitioners; the learned Additional Public Prosecutor appearing for the 1st respondent and perused the materials placed on record.

3. It is the case of the prosecution that Ilaiyarasan [A1] got married to Sumathi on 25.06.2009. At the time of marriage, Sumathi was given gold ornaments, etc. and the marriage was performed in a grand manner. Thereafter, it is alleged by Sumathi that, she was subjected to cruelty by her husband and in-laws and that, they were demanding more and more money from her. Apart from demand of dowry and other allegations, Sumathi has made a particular allegation, which is said to have taken place on 19.02.2012.

4. It is alleged by her that on 19.02.2012, she went with her

sister-in-law to the house of the accused and there, all the accused had physically assaulted her and holding her by her plait, banged her on the wall. On the complaint lodged by Sumathi, the respondent police registered a case in Crime No.13 of 2012 on 07.08.2012 for offences under Section 498A, 506[iii] IPC and Section 4 of Dowry Prohibition Act against the petitioners herein and after completing the investigation, Final Report was filed before the learned Judicial Magistrate, Gudiyatham in CC.No.106 of 2014 for the aforesaid offences. Challenging the Final Report, the petitioners are now approaching this Court for quashing it.

5. Learned counsel for the petitioner relied upon the following judgment to drive home the point that the prosecution is an abuse of process of law.

- i. Priyanka Srivastava and another Vs State of U.P. and others reported in 2015 [3] CTC 103.
- ii. Sundar Babu and others Vs State of Tamil Nadu reported in 2009 [14] SCC 244.
- iii. K.Srinivas Rao Vs D.A.Deepa reported in 2013 [5] SCC 226
- iv. Geeta Mehrotra and another Vs State of UP & Another reported in 2012 [10] SCC 741.
- v. Pinakin Mahipatray Rawal Vs State of Gujarat reported in 2013 [10] SCC 48
- vi. Arnesh Kumar Vs State of Bihar and another reported in 2014 [8] SCC 273.

6. The learned counsel for petitioner also submitted that in the divorce proceedings, the defacto complainant Sumathi had not whispered a word about the allegations against the family members of her husband. It is seen that Ilaiyaranan [A1] the husband of Sumathi has filed a divorce petition in IDOP.No.23 of 2012 before the District Court, Vellore, and in the counter, Sumathi has stated as follows:

"The petitioner and her parents and the petitioner's sisters, have joined together and started ill-treating the respondent for want of dowry by using filthy language and they have also beaten the respondent on several occasions without any reason and cause. The respondent was kept quiet for the sake of living happily and she also expected that they will change their mind in one day or other. The petitioner and his family members [mother and sisters] have joined together and they have assaulted the respondent for want of dowry on 29.04.2012 and for which the respondent has lodged a police complaint before All Women Police Station, Gudiyatham and the police has advised both parties to live happily and the petitioner agreed that he will not give any trouble hereinafter and for the better living, the respondent has not pressed the said police complaint. The petitioner and his parents and his sisters have again joined together and assaulted the respondent brutally on 19.02.2012 and sent [thrown out] the respondent from their house for want of dowry

amount of Rs.2,00,000/- and also 20 sovereign gold jewels."

Therefore, the contention of the learned counsel for the petitioner is factually incorrect. Sumathi has waited for long and had endured the suffering with a fond hope that things will change. Ultimately, when she was pushed to the wall, she was forced to lodge the complaint which has now culminated in the Final Report.

7. The reading of 161 statement of Sumathi and other witnesses discloses the involvement of all the petitioners in matrimonial offences. The Hon'ble Supreme Court in Taramani Parakh Vs State of M.P. and others reported in 2015 (3) Scale 616 has held that, if there are allegations against the in-laws, the court should not quash the proceedings.

8. In the light of the aforesaid judgment, the petition is devoid of merits and stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

1.The Inspector of Police,
All Women Police Station,
Gudiyatham, Vellore District.

2.The Public Prosecutor,
High Court, Madras.

GP (CO)
KRA (22/07)

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