

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Crl.O.P.No.20531 of 2015
and
M.P.Nos.1 & 2 of 2015

1.Chelladurai

2.Padmini

... Petitioners

Vs.

1.State represented by
The Inspector of Police,
All Women Police Station (south),
Tiruppur City,
(Crime No.3 of 2015)

2.Nithiya

... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records and quash the proceedings pending against the petitioners in C.C.No.559 of 2015 on the file of the learned Judicial Magistrate No.II, Tiruppur.

For Petitioners : Mr.H.Rajasekar

For Respondents : Mr.C.Emalias, APP (For R1)
Mr.Abdul Majeed (for R2)

ORDER

This petition has been filed seeking to quash the criminal proceedings in C.C.No.559 of 2015 pending on the file of the learned Judicial Magistrate No.II, Tiruppur, against the petitioners. The petitioners herein have been arrayed as accused 2 & 3 in the said case.

2.The 2nd respondent/defacto-complainant is the daughter-in-law of the petitioners herein. She lodged a complainant as against her husband Subash/A1, as well as against her father-in-law and mother-in-law, who are the

petitioners herein. After completion of investigation, final report was submitted by the 1st respondent-police, stating that after the marriage between the 1st accused and the defacto-complainant, the defacto-complainant lived in the matrimonial home along with the petitioners herein. After delivery of a child, the defacto-complainant and her husband/A1 started to live in a separate house and the 1st accused/husband harassed her by demanding Rs.50 lakhs for his business. The defacto-complainant was beaten by the 1st accused/husband and further, the 1st accused/husband wanted the consent of the defacto-complainant for his second marriage; but the same was resisted by the defacto-complainant.

3.The chargesheet has been filed by the 1st respondent-police under Section 492A & 323 IPC and the same was taken on file in C.C.No.559 of 2015 on the file of the learned Judicial Magistrate No.II, Tiruppur. Now, the petitioners have come forward with the present petition seeking to quash the chargesheet as against them.

3A.The prosecution has filed counter stating that the petitioners herein, along with the 1st accused, harassed the defacto-complainant; thus, opposed to quash the criminal proceedings as against the petitioners.

4.Heard the learned counsel appearing for the petitioners, the learned counsel appearing for the 2nd respondent/defacto-complainant as well as the learned Additional Public Prosecutor appearing for the prosecution.

5.It is the only submission made by the learned counsel appearing for the petitioners that the entire allegation has been made only as against the husband of the defacto-complainant and not against the petitioners herein. But, a perusal of the complaint/chargesheet, I find that at the relevant point of time, the defacto-complainant and her husband were living along with the petitioners herein. The allegations were also made against the petitioners herein stating that the petitioners herein along with the 1st accused harassed the defacto-complainant. Hence, it is incorrect to state that there is no allegation against the petitioners herein.

6.Considering the facts and circumstances of the case, the petitioners have not made out a case to quash the impugned criminal proceedings. The submissions made by the learned counsel for the petitioner, at the maximum, could be their defence during the course of trial. Hence, I am not inclined to quash the impugned criminal proceedings.

In fine, the criminal original petition fails and the same is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/
ASSISTANT REGISTRAR (CS-III)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

SSV

To,

1.The Inspector of Police,
All Women Police Station (south),
Tiruppur City,
(Crime No.3 of 2015)

2.The Public Prosecutor,
High Court, Madras.

3. The Judicial Magistrate,
No.II, Tiruppur.

4. Do thro' The Chief Judicial Magistrate,
Tiruppur.

+1 CC to MR.Abdul Majeed Advocate. SR.NO.64706

+1 CC to MR.H.Rajasekar Advocate. SR.NO. 64602

सत्यमेव जयते

Pre-delivery order in

Crl.O.P.No.20531 of 2015
and
M.P.Nos.1 & 2 of 2015

CO-VS
JD 11/12/2015

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