

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 6-10-2015

Coram

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.22094 of 2015

M.P.No.1 of 2015

R. Vinothini

.. Petitioner

Vs.

1. State rep.by
The Inspector of Police,
All Women Police Station,
Hosur,
Krishnagiri.

2. Ayshwarya Sankaran

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. with a prayer to call for the records and quash the charge sheet filed in C.C.No.215 of 2015 on the file of Judicial Magistrate No.II, Hosur, Krishnagiri District and quash the same.

For Petitioner : Mr.R.Margabandhu

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

Heard Mr.R.Margabandhu, learned Counsel appearing for the petitioner as well as Mr.C.Emalias, learned Additional Public Prosecutor appearing for the State.

2. The case of the prosecution is stated in the counter affidavit filed by the first respondent/Police, which reads as follows:

"2. It is submitted that the brief gist of the case is as follows:

The case of the prosecution is that Tmt.Ayshwarya Sankaran - defacto complainant lodged a complaint before the respondent Police Station stating that the defacto complainant had love affair with one Anandakumar (A1) had physical relationship with him several times based on the false promise given by him that he will marry her, then the

defacto complainant got pregnant. But, the said Anandakumar asked the defacto complainant to abort the child as he had some monetary problems and was not in a position to take care of family. But, the defacto complainant refused to abort her child.

Accordingly, the marriage between the defacto complainant and Anandakumar was performed at temple in the presence of both the parents, friends and well wishers. Immediately, after that the said Anandakumar threatened and harassed the defacto complainant to transfer the defacto complainant's property which is in the name of mother of the defacto complainant to his name and also demanded Rs.45 lakhs as dowry.

Thereafter, through facebook which was sent by the defacto complainant's friend, the defacto complainant came to know that the said Anandakumar married one Vinothini (A2 i.e, petitioner herein) on 2.11.2014. When the same was questioned by the defacto complainant, the said Anandakumar told that the defacto complainant failed to transfer the property in his name and refused to give dowry hence, he got another marriage, due to meet out his financial crisis. Hence the complaint.

Based on the complaint, a case in AWPS., Hosur, Crime No.53 of 2014 under sections 494, 417, 419 & 506(ii) IPC was registered by Tmt.Gandhimathi, the Special Sub Inspector of Police on 16.11.2014 at 19.00 hours and further investigation was done by Tr.Shankar, the then Inspector of Police, SIPCOT PS, i/c., AWPS, Hosur."

3. After registering the FIR, the respondent Police completed investigation and filed final report in C.C.No.215 of 2015 under Sections 498(A), 494, 506(i) IPC before the Judicial Magistrate No.II, Hosur, against (1) Anandakumar (A1), (2) Vinothini (A2).

4. On a complete reading of the final report and the statements recorded by the Police, this Court feels that there is no iota of material to show that Vinothini (A2) ever knew about Anandakumar's affair with Ayshwarya Sankaran. Learned Counsel for Vinothini/petitioner herein submitted that Vinothini herself is a victim, and that the couple are now estranged.

5. After perusing the final report this Court finds that the prosecution against Vinothini is clearly an abuse of process of law. Consequently, this petition is allowed and the prosecution against

Vinothini in C.C.No.215 of 2015 on the file of Judicial Magistrate No.II, Hosur, alone is hereby quashed. Connected miscellaneous petition is also closed.

vr

-s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.II, Hosur.
 2. The Inspector of Police, All Women Police Station, Hosur, Krishnagiri District.
 3. The Public Prosecutor, High Court, Madras.
- + 1 cc to Mr.R.Margabandhu, Advocate SR 54799

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