

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 05.06.2015

Delivered on : 11.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.26438 of 2014
and M.P.Nos.1 of 2014 and 1 of 2015

1.Hari Rao
2.Sasikala

... Petitioners

Versus

1.State rep. by
Inspector of Police,
W23, All Women Police Station,
Royapettah, Chennai-14.

2.Poonam Nara yanji Rao

.... Respondents

Criminal Original petition filed under Section 482 of the Criminal Procedure Code praying to call for the records in C.C.No.1694 of 2012 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai and to quash the same.

For Petitioners : Mr.Haridoss, Senior Counsel
for M/s.S.John J.Raja Singh

For Respondents : Mr.C.Emalias, Addl. Public Prosecutor
for R1]
Mr.K.Shakespeare [for R2]

O R D E R

This Criminal Original Petition has been filed praying to call for the records in C.C.No.1694 of 2012 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai and to quash the same.

2. It is the case of the petitioners that their son Murali Krishna got married to Poonam on 05.04.2010 and about a month after marriage, they went to the U.S., where it is alleged by Poonam that she was subjected to extreme cruelty by her husband resulting in police complaint being lodged there. It is also alleged by Poonam

that her parents-in-law who are the petitioners herein have also subjected her to cruelty both physically and mentally.

3. On a complaint lodged by Poonam, the respondent police registered a case in Crime No.6 of 2011 under Sections 498A, 406 IPC against Murali Krishna [A1], Hari Rao [A2], Sasikala [A3], Roopesh [A4] and Lakshmi Subashini [A5] and after completing investigation, a Final Report was filed which was taken on file as C.C.No.1694 of 2012 by the learned XVIII Metropolitan Magistrate, Saidapet.

4. Challenging the prosecution, Roopesh [A4] and Lakshmi Subashini [A5] approached this Court in CrI.OP.No.15524 of 2012 and this Court quashed the proceedings on 10.01.2013. Thereafter, Murali Krishna filed CrI.OP.No.13724 of 2013 contending that the prosecution is an abuse of process of law in as much as the alleged incident has been taken place in the U.S. This Court went into the entire gamut of the case and dismissed CrI.OP.No.13724 of 2013 on 13.12.2013 by a well reasoned order holding that there are enough materials against Murali Krishna and his parents to be proceeded with in C.C.No.1694 of 2012. The operative portion of the order of this Court is extracted.

"... 40. In view of the foregoing, this Criminal Original Petition fails and it is dismissed. The learned XVIII Metropolitan Magistrate, Saidapet, Chennai, is directed to proceed with the trial of the calendar case in C.C.No.1694 of 2012 as against the petitioner and his parents. Consequently, connected Miscellaneous Petition is closed. No costs."

5. In this petition, as stated earlier, Hari Rao and Sasikala the parents of Murali Krishna are seeking to quash the proceedings against them as an abuse of process of law. The FIR in this case was lodged way back in the year 2011 and the Final Report was filed in the year 2012. From 2012 to 2015, the accused have managed to prolong the case by filing quash petitions in instalments. Admittedly, all the accused are close relatives. Therefore, it cannot be said that one was not aware of the action that was initiated by the other. Of course, no law says that all of them should have to join together and file a common quash petition. But, this Court also cannot refrain from noticing the conduct of the accused in doing everything possible within their means to protract the trial, so that the hapless victim would suffer.

6. Learned counsel for the petitioners submitted that the allegations against the parents do not warrant a trial and the proceedings as against them should be quashed.

7. This Court carefully went through the papers and found that Poonam has made several allegations against both the petitioners in her complaint. It is Poonam's case that the petitioners demanded huge dowry and received ½ Kg gold, 1 Kg silver and silk sarees which

they are continuing to retain. Therefore, it cannot be stated that there are no allegations as against the petitioners as contended by the learned counsel for the petitioners. That apart, a learned Judge of this Court has completely gone into the entire case and has given a finding that the trial should proceed against only Murali Krishna and his parents. In the teeth of such a finding, it is not open for this Court to sit and review over the order passed in Crl.OP.No. 13724 of 2013 dated 13.12.2013.

8. Very recently the Apex Court in Taramani Vs State of Madhya Pradesh reported in 2015 [3] Scale 616 has held that, the proceedings against relatives for matrimonial offences should not be quashed if the complaint discloses incriminating facts. In this case, both the complaint and the Final Report contains sufficient materials implicating the petitioners.

9. In the result, this petition is devoid of merits and the same stands dismissed. Consequently, connected Miscellaneous Petitions are closed.

gya

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1.XVII Metropolitan Magistrate,
Saidapet, Chennai.

2.Inspector of Police,
W23, All Women Police Station,
Royapettah, Chennai-14.

3.The Public Prosecutor,
High Court, Madras.

+ 2 ccs to Mr.S.John J.Rajasingh, Adocate SR 28142

+ 1 cc to Mr.K.Shakespear, Advocate SR 28266

rsy(co)
prk22/6

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