

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.26696 of 2015

&

M.P.No.1 of 2015

Kamalachi

.. Petitioner

..vs..

1. The State of Tamil Nadu rep. By
Inspector of Police
All Women Police Station
Chidambaram
Cuddalore District
(Cr.No.1 of 2015)

2. Revathy

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to quash the charge sheet filed in C.C.No.134 of 2015 on the file of Judicial Magistrate No.1, Chidambaram insofar as the petitioner is concerned.

For Petitioner : Mr.K.Gandhi Kumar

For Respondents: Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present petition has been filed to quash the charge sheet filed in C.C.No.134 of 2015 on the file of Judicial Magistrate I, Chidambaram insofar as the petitioner is concerned.

2. The petitioner, who is the mother-in-law of the defacto complaint, the second respondent herein, has been arrayed as A2 in C.C.No.134 of 2015. The complaint was lodged with the allegation of dowry harassment for alleged offence under Sections 294(b), 417, 342, 506(i) and 498-A IPC.

3. The learned counsel for the petitioner submitted that absolutely no proof was produced by the prosecution to show that there was a marriage between the defacto complainant and the first accused, the son of the petitioner herein on 10.10.2014

and in the absence of any proof for marriage, the allegations made in the complaint cannot be considered.

4. Heard the Additional Public Prosecutor representing the first respondent.

5. In my opinion, the contention of the petitioner that there is no proof for marriage cannot stand as a ground for quashing the FIR and it is purely a matter of evidence and therefore, this Court is not inclined to quash the FIR. Hence, this petition is dismissed. However, the petitioner is directed to file an appropriate petition before the trial Court for dispensing with her appearance and in the event of filing such an application, the trial Court shall consider the same on merits and pass appropriate orders. The trial Court is also directed to expedite the trial and dispose of the case as early as possible. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gpa
To

1. The Judicial Magistrate I, Chidambaram.
2. The Inspector of Police
All Women Police Station
Chidambaram
Cuddalore District
3. The Public Prosecutor
Madras High Court
Chennai

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