

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.5597 of 2013 and
M.P.Nos.1 & 2 of 2013

1.S.Ramachandran
2.R.Devi
3.R.Logashree @ Ammulu

..Petitioners

Vs

State rep. By
Inspector of Police,
S-15, Selaiyur Police Station,
Selaiyur,
Chennai - 600 073.
(Crime No.1051 of 2010)

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to quash the entire charge in C.C.No.234 of 2011 for alleged offence under Section 498A of I.P.C., and Section 4 of the Dowry Prohibition Act, now pending on the file of the learned Judicial Magistrate at Tambaram.

For Petitioners : No Appearance

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

O R D E R

This petition has been filed to quash the entire charge in C.C.No.234 of 2011 for alleged offence under Section 498A of I.P.C., and Section 4 of the Dowry Prohibition Act, now pending on the file of the learned Judicial Magistrate at Tambaram.

2. No representation for the petitioners. Since, the case was posted today under the caption "finally", this Court perused the records and heard the learned Additional Public Prosecutor appearing for the State.

3.It is the case of the prosecution that the defacto complainant herein got married to R.Rajasekaran on 06.09.1999 and their matrimonial life ran into rough weather. When the defacto complainant was in the family way, she was sent back to her parent's house. The spouses lived for some time in the joint household along with the parents of the husband, but later, they

moved to a separate home which is admitted by the defacto complainant herself. On 29.08.2010, the defacto complainant went back to her parent's house. On 03.09.2010, R.Rajasekaran called the defacto complainant to the house and when she refused to come back, he committed suicide by self-immolation, in connection with which, a case in Crime No.762/2010 was originally registered for offence under Section 174 Cr.P.C., and later on altered into Sections 306 & 506(i) I.P.C., and after completing the investigation, the respondent police filed a final report against the defacto complainant, in which, she was discharged from the prosecution.

4.It is evidently seen that, after her husband committed suicide on 03.09.2010, the defacto complainant has lodged the present complaint on 21.12.2010 against her in-laws, based on which, a case in Crime No.1051/2010 was registered by the respondent police against the petitioners herein for offences under Section 498(A) I.P.C., r/w Section 4 of Tamil Nadu Women Harassment Act and after completing the investigation, final report in C.C.No.234 of 2011 has been filed by the Police before the learned Judicial Magistrate, Tambaram. Challenging which the petitioners are before this Court.

5.The defacto complainant has made sweeping allegations against the petitioners and it is obvious to this Court that the present prosecution is a counter blast to nullify the case against the defacto complainant in Crime No.762/2010 relating to the suicide committed by her husband.

6.In view of the above, this Court is of the view that the present prosecution is a clear abuse of process of law and accordingly, this Criminal Original Petition is allowed and the proceeding in C.C.No.234 of 2011 pending on the file of the learned Judicial Magistrate at Tambaram is hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.Inspector of Police,
S-15, Selaiyur Police Station,
Selaiyur,
Chennai - 600 073.

2.The Public Prosecutor,
High Court, Madras.

crl.op.No.5597of 2013

Gp(co)

CP 04/09/2015

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