

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.02.2015

CORAM

THE HONOURABLE MR.JUSTICE R.S.RAMANATHAN

CRL.OP.No.3719 of 2015

and

M.P.Nos.1 & 2 of 2015

1.Vijay Manjunath
2.P.C. Manogaran
3.Sagunthala
4.Vijayalakshmi
5.Subashini
6.V.C.Kaveri Chettiyar.
..Petitioners

Vs.

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

2.Gokul Priya ...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure to call for the records pending on the file of the Learned Judicial Magistrate, No.I, Krishnagiri District in C.C.No.160/2014 and quash the criminal proceedings.

For Petitioners : M/s.E. Kannadasan

For Respondents : Mr. M. Maharaja

R1

सत्यमेव जयते
O R D E R

The petitioners are A1 to A6 in C.C.No.160 of 2014 on the file of the Learned Judicial Magistrate No.1, Krishnagiri.

2. The second respondent gave a complaint against the petitioners in Cr.No.10/2014 and after investigation, chargesheet was filed against the petitioners for offences u/s.498(A), 294(b), 406 of IPC and Section 4 of Dowry Prohibition Act.

3. It is submitted by the learned counsel for the petitioners that the second respondent had illicit relationship with another person and that is evident from various E-mail chatting and therefore, first petitioner's husband, the second respondent filed divorce Original Petition before the Principal Judge Family Court, Bangalore and after receipt of summons, in that case, the second respondent gave the complaint against the petitioners and therefore, charge has to be quashed. He also submitted that jewels

were returned to the second respondent and the second respondent, who left her matrimonial home had made complaint against the petitioners.

4. I am unable to accept the contention of the learned counsel for the petitioners. As per the statement of witnesses obtained during investigation in C.C.No.160 of 2014, prima facie case is made out against the petitioners and witnesses have given statement that the petitioners treated the second respondent with cruelty and committed various offences. Whether those statements are true or not are to be considered during trial and at this stage, the complaint given by the second respondent cannot be quashed on the ground that second respondent is having affair with another person and she filed complaint after receipt of notice in divorce Original Petition filed by the first petitioner. Hence, no case is made out to quash the complaint and the chargesheet made on the petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Gv
To
The Judicial Magistrate,
No.I, Krishnagiri District.
2. -do- Through The Chief Judicial Magistrate,
Krishnagiri.
2. The Inspector of Police,
All Women Police Station,
Krishnagiri,
Krishnagiri District. सत्यमेव जयते

4. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.E. Kannadasan, Advocate SR.11147

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Eu 16.03.15