

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2015

CORAM

THE HON'BLE MR.JUSTICE R.S.RAMANATHAN

Crl.O.P.No.4788 of 2015

and

M.P.Nos.1 and 2 of 2015

1. V.Murugan

2. M.Malliga

...Petitioners/3rd & 2nd Accused

vs.

1. The State

Rep. By The Inspector of Police
All Women Police Station,
Katpadi, Vellore District.

...1st Respondent/Complainant

2. R.Priyanka

...2nd Respondent/Defacto Complainant

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records and quash the charge sheet in C.C.No.695 of 2014 on the file of learned Judicial Magistrate III, Vellore, insofar as the petitioners/A3 and A2 are concerned.

For Petitioners : Mr.G.Jayachandran

For Respondents : Mr.M.Maharaja
Additional Public Prosecutor [R1]
Ms.Thangavadhana Balakrishnan [R2]

O R D E R

This petition is filed by accused 2 and 3 in C.C.No.695 of 2014 on the file of the learned Judicial Magistrate III, Vellore, to quash the proceedings as against them.

2. Heard the learned counsel for petitioners, the learned Additional Public Prosecutor and the learned counsel for second respondent.

3. It is submitted by the learned counsel for the petitioners that on 09.05.2014, the first accused/husband of the de facto complainant sent a legal notice to the de facto complainant and without receiving the same, a complaint was given by the de facto complainant on 13.05.2014 against the petitioners and her husband and without conducting proper investigation, the case was registered in Crime No.157 of 2014 by the first respondent Police for offences under sections 498-A, 506(i) IPC and 4 of Dowry Prohibition Act and on the same day, all the witnesses were examined and charge sheet was filed against the petitioners, who are the mother-in-law and father-in-law of the de facto complainant and therefore, the charge sheet filed in C.C.No.695 of 2014 is liable to be quashed. Learned counsel also submitted that he has got proof to show that cruelty was committed only by the de facto complainant and not by the petitioners and if the first respondent has conducted proper investigation, he would not have filed the charge sheet.

4. I am not able to accept the contentions of the learned counsel for the petitioners. At the time of discharging or quashing the charge sheet, the Court has to look into the allegations made in the 161 Cr.P.C. statements of witnesses and the Court cannot look into other materials, unless those materials are of sterling quality. Whether the de facto complainant treated the petitioners with cruelty or the petitioners treated the de facto complainant with cruelty, has to be decided during trial and on the basis of the statements of witnesses, a prima facie case has been made out against the petitioners for the offences stated above and therefore, the charge sheet was filed. Further, the charge sheet cannot be quashed on the ground that investigation was done on the same day and the witnesses were examined on a single day and charge sheet was filed immediately thereafter. As allegations are made by the witnesses during investigation against the petitioners, I am not inclined to quash the charge sheet.

This Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed. The learned Judicial Magistrate III, Vellore, is directed to dispose of the case in C.C.No.695 of 2014 within a period of four months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

gm/ds

To

1. The Judicial Magistrate III,
Vellore.
 2. -Do- Through The Chief Judicial Magistrate,
Vellore.
 3. The Inspector of Police,
All Women Police Station,
Katpadi, Vellore District.
 4. The Public Prosecutor,
High Court, Madras.
- 1 CC to Ms.Thangavadhana Balakrishnan, Advocate SR.No. 13111
- 1 CC to Mr.G.Jayachandran, Advocate SR.No. 13141

Cr1.O.P.No.4788 of 2015

SV (CO)
PSI (20.03.2015)

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