



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM

WEB COPY

CRL.O.P. (MD) No.1500 of 2015

1. Rajamani
2. Jamunarani ... Petitioners/Accused Nos. 4 & 5

Vs.

1. The State represented by
the Inspector of Police,
All Women Police Station,
Vadamadurai, Dindigul District.
(Crime No.18/2014) ...1st Respondent /Complainant

2. Santhi ... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records relating to C.C.No.294 of 2014 pending on the file of the learned District Munsif-cum-Judicial Magistrate, Veda sandur and quash the same.

For Petitioners : Mr.S.Mahendrapathy

For R1 : Mr.K.V.Rajaraman
Govt. Advocate (Crl.side)

For R2 : Mr.G.Rajaram

ORDER

This petition has been filed to quash the case in C.C.No.294 of 2014 pending on the file of the learned District Munsif cum Judicial Magistrate, Veda sandur.

2. Upon the complaint of second respondent/de-facto complainant, a case was registered for offences under Sections 498A, 506(i) IPC and Section 4 of Dowry Prohibition Act. On completion of investigation, a charge sheet stands filed informing the commission of such offences. The same is pending trial in C.C.No.291 of 2014.

3. Learned counsel for petitioners submits that earlier in 2012, in proceedings before the family Court, the de-facto complainant made the same allegations against these petitioners. Thereafter, she has chosen to prefer a complaint only in the year 2014, resulting in the present case. Submitting that a false case stands preferred against petitioners and informing
<https://hds.courts.gov.in/hdservices> according to second respondent, she had resided with her husband/first accused only for a period of 20 days and that these petitioners are the married sisters of the first accused



and are residing at places far away, the learned counsel seeks to quash proceedings against them.

4. Learned counsel for second respondent submitted that the allegations levelled against petitioners would make out a case against the petitioners and they would have to prove their innocence only at the trial.

5. We have considered the rival submissions. On perusal of the statement of the de-facto complainant, we find that the allegations relied upon by the learned counsel for the second respondent is an omnibus one, whereunder the de-facto complainant informs of her husband, father-in-law, mother-in-law, sisters-in-law, the petitioners herein joining together and informing that she had brought insufficient shridhana articles, that a sum of Rs.2 lakhs was required as dowry towards enabling the conduct of business by her husband and that she should obtain the properties which were to fall to her share from her father and transfer the same to her husband.

6. We are of the view that the decision in *Preethi Gupta and another* reported in (2010) 7 SCC 667 applies in the instant case.

7. Taking note of the now common present practice of roping in all family members and being of the view that such is the position in the present case and these petitioners stand roped in omnibus allegations without informing any particulars, this Criminal Original Petition shall stand allowed and the proceedings in C.C.No.294 of 2014 pending on the file of the learned District Munsif-cum-Judicial Magistrate, Vendasandur shall stand quashed against these petitioners. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The District Munsif cum Judicial Magistrate,
Vendasandur
2. The Inspector of Police,
All Women Police Station,
Vadamadurai, Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Akv