



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2015

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

CRL.O.P (MD) No.22236 of 2014

and

M.P (MD) Nos.1 and 2 of 2014

1.S.Arunachalam

2.Prema

3.Ramya

...Petitioners/Accused No.2,3 and 4

.vs.

The State, through

1.The Deputy Superintendent of Police,
Dindigul Taluk Police Station,
Crime No.251 of 2012.

2.M.P.Shivakumar

..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code praying this Court to call for the records in P.R.C.No.7 of 2014 on the file of the learned Judicial Magistrate No.I, Dindigul and quash the charges as against the Petitioners alone.

For Petitioners : M/s.N.Anandapadmanabhan

For Respondent-1 : Mr.A.P.Balasubramani
Govt.Advocate(Crl.side)

For Respondent-2 : M/s.A.K.Manickam

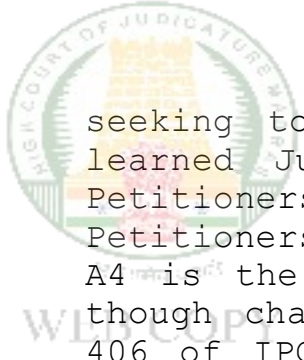
ORDER

This Criminal Original Petition has been filed under Section 482 of Cr.P.C.praying this Court to call for the records in P.R.C.No.7 of 2014, on the file of the learned Judicial Magistrate No.I, Dindigul and quash the charges as against the Petitioners alone.

2.Heard the learned counsel for the Petitioners, learned Government Advocate(Crl.Side) appearing for the respondent-1/State and the learned counsel for the second respondent and perused the

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3.The Petitioners have come forward with this application



seeking to quash the P.R.C.No.7 of 2014, on the file of the learned Judicial Magistrate No.I, Dindigul stating that the Petitioners herein have been arrayed as Accused No.2,3 and 4. The Petitioners 1 and 2 are in-laws and the third petitioner, who is A4 is the sister-in-law and she is residing at Chennai. Even though charge-sheet has been filed under Sections 498-A, 304-B, 406 of IPC and Section 4 of Dowry Prohibition Act, the learned counsel for the Petitioners would submit that there is no evidence against these petitioners to prosecute the same. Hence, he prayed for quashing the same. It is further submitted that the deceased and first husband are residing separately. The fourth accused herein married several years prior to the marriage of the deceased and so there is no evidence for demand of dowry. Hence he prayed for quashing the same.

4.At this juncture, the learned counsel for the de-facto complainant would submit that the marriage said to be taken place on 16.09.2009. She died on a suspicious circumstances on 14.05.2012 and due to the lawful wed-lock, she begotten a male child and she committed suicide by way of hanging. So there is sufficient evidence of demand of dowry and cruelty and the death is only due to demand of dowry. He would further submit that these facts should be elicited only during the time of trial and hence he prayed for dismissal of the Petition.

5.At this juncture, the learned Government Advocate(Crl.Side) on instructions would submit that investigation is over and charge-sheet has already been filed and because of the pendency of the Crl.O.P, presence of the petitioners dispensed with and the case is likely to be committed to the Sessions Court and pray for dismissal of the Petition.

6.Considering the rival submissions of both sides and on perusal of the typed- set of papers, it is seen that the marriage between the first accused and the deceased was performed on 16.09.2009 and due to their lawful wedlock, she gave birth to a male child. She died on 14.05.2012 by way of hanging. Independent evidence are there to prove the case. In such circumstances, it is a fit case for giving direction to the trial court to commit the case to the sessions Court and for early disposal of the case is enough instead of quashing the charge-sheet.

7.At this juncture, the learned counsel for the Petitioners would submit that third petitioner, who is the fourth accused, is married and residing at Chennai much prior to the marriage of the accused and deceased. So he wants to dispense with the personal appearance of A4/third petitioner herein. So it is a fit case for giving a direction to the trial Court to consider her petition for dispensing her personal appearance in accordance with law.

<https://hccasescourtservices.in/>

8.In view of the above, the Criminal Original Petition is



dismissed. However, learned Judicial Magistrate No.I, Dindigul is directed to commit the case in P.R.C.NO.7 of 2014 to the Sessions Court and on committal, the learned Sessions Judge is directed to dispose of the case within a period of four months from the date Committal. He is also directed to consider and dispose of the application filed by A4/third petitioner herein, for dispensing with her personal appearance, since she is married and living at Chennai. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Committal Judge,
Dindigul.
2. The Judicial Magistrate No.i,
Dindigul.
3. The Deputy Superintendent of Police,
Dindigul Taluk Police Station.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.N.ANANTHAPADMANABAN, ADVOCATE IN SR NO. 52359
+ 1 CC TO MR.A.K.MANICKAM, ADVOCATE IN SR NO. 51551

VSN

TE/NGM-SS/ 16/09/2015 3P/7C

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