

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.OP.No.21329 of 2009 & Crl.OP.No.1887 of 2010
and MP.No.1 of 2009 in Crl.OP.No.21329 of 2009
and M.P.No.1 of 2010 in Crl.OP.No.1887 of 2010

Crl.OP.No.21329 of 2009

1.Joseph Alex Vasanthakumar
2.Lourdhu Mary
3.Victor
4.Mary Isabella

.. Petitioners

Vs

State by

The Inspector of Police,
W-27, All Women Police Station,
Vadapalani,
Chennai - 600 026.

.. Respondent

Crl.OP.No.1887 of 2010

1.Victor
2.Mary Isabella

.. Petitioners

Vs

1.State by

The Inspector of Police
W-27, All Women Police Station,
Vadapalani,
Chennai - 600 026.

2.T.R.Jeyabeaulla

.. Respondents

(Impleaded 2nd respondent as per the order of
this court dated 2.2.2010 in M.P.No.3/2010)

Prayer in Crl.OP.No.21329 of 2009: Criminal Original Petition
filed under Section 482 of Cr.P.C., praying to call for the
records pertaining to the FIR.No.4 of 2009 on the file of the
respondent police and quash the same.

Prayer in Crl.OP.No.1887 of 2010: Criminal Original Petition
filed under Section 482 of Cr.P.C., praying to call for the
records pertaining to the proceedings in C.C.No.357 of 2009 on
the file of the Judicial Magistrate No.I, Poonamallee and quash
the same.

For Petitioners : Mr.A.M.Rahamath Ali
[in both Crl.OPs]

For Respondent : Mr.C.Emalias
[in both Crl.OPs] Additional Public Prosecutor

O R D E R

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the State.

2. On the complaint lodged by Jeyabeaulla, the respondent Police registered a case in Crime No.4 of 2009 and after completing the investigation have filed a final report in C.C.No.357 of 2009 before the Judicial Magistrate-I, Poonamallee for the offences under Section 498(A), 405 and 506 (ii) IPC against the four accused, challenging which, Victor (A3) and Mary Isabella (A4) have filed the present quash petition in Crl.OP.No.1887 of 2010.

3. It may be relevant to state here that, when the case in Crime No.4 of 2009 was registered, all the accused filed Crl.OP.No.21329 of 2009 for quashing the FIR. Since investigation has been completed and final report filed in C.C.No.357 of 2009, Crl.OP.No.21329 of 2009 becomes infructuous. However, this Court perused the FIR in Crime No.4 of 2009, wherein it is alleged by Jeyabeaulla, de facto complainant that she got married to Joseph Alex Vasanthakumar (A1) on 11.05.2008 and at the time of marriage, 100 sovereigns of gold and Rs.5,00,000/- cash was given on the insistence of the bridegroom's family. Thereafter, Joseph Alex Vasanthakumar (A1) started abusing and harassing the de facto complainant.

4. On a reading of the final report and the accompanying documents, this Court finds that there are no sufficient materials as against Mary Isabella (A4), who is the sister of Joseph Alex Vasanthakumar (A1) and Victor (A3), who is the husband of Mary Isabella (A4) and therefore, the proceedings against them deserves to be quashed. However, there are sufficient materials as against Joseph Alex Vasanthakumar (A1) and Lourdhu Mary (A2) for trial.

5. In the result, Crl.OP.No.21329 of 2009 is dismissed. The petition in Crl.OP.No.1887 of 2010 is hereby allowed and the proceedings in C.C.No.357 of 2009 pending on the file of the Judicial Magistrate-I, Poonamallee as against Victor (A3) and Mary Isabella (A4) is hereby quashed. Consequently, connected miscellaneous petitions are closed.

6. The trial Court is directed to proceed with the trial with regard to Joseph Alex Vasanthakumar (A1) and Lourdhu Mary (A2) expeditiously. The accused shall cross-examine the witnesses on the day they are examined in chief as directed by the Hon'ble Supreme Court in Vinod Kumar Vs. State of Punjab [2015 (1 Scale) 542]. If the accused adopts any dilatory tactics, they can be remanded to custody as held by the Hon'ble

Supreme Court in State of Uttar Pradesh Vs Shambu Nath Singh
reported in JT 2001[4] SC 319.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

ds

To:

1. The Judicial Magistrate I
Poonamallee

2.The Inspector of Police,
W-27, All Women Police Station,
Vadapalani,
Chennai - 600 026.

3.The Public Prosecutor,
High Court, Madras.

1 cc to M/s. A.M. Rahamath Ali, Advocate, Sr. 55951

CrI.OP.Nos.21329 of 2009 &
CrI.OP.No.1887 of 2010

MP (CO)
kk 1/11

सत्यमेव जयते

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