

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP.No.25498 of 2014
and MP.No.1 of 2014

1.V.Dayalan
2.M.Mary
3.D.Prabhakar
4.M.Padma
5.C.Saminathan
6.D.Shophia

... Petitioners

Vs

1.The Inspector of Police,
All Women Police Station,
Gudiyatham - 632 602.

2.R.S.Vasantha Kumari

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Crime No.14 of 2014 pending on the file of 1st respondent and quash the same.

For Petitioners : Mr.S.Santhan
for M/S.Sai Naam Associates

For Respondents : Mr.C.Emalias [for R1]
Additional Public Prosecutor
Mr.M.Karunanithi [for R2]

सत्यमेव जयते
ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No14 of 2014, pending on the file of the respondent-Police.

2. On the complaint given by R.Vasantha Kumari, the respondent-Police registered a case in Crime No.14 of 2014 on 02.04.2014, for the offences under Sections 498(A), 420, 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act against one Sudhakar (A1), the husband of the 2nd respondent including the petitioners herein (A2 to A7), challenging which, the petitioners (A2-A7) are before this Court for quashing the FIR.

3. Heard the learned counsel on both sides and the learned Additional Public Prosecutor appearing for the first respondent.

4. The learned counsel for the petitioner submitted that the entire allegation in the FIR is false and that the alleged incident narrated in the FIR had not taken place at all.

5. The learned Additional Public Prosecutor strongly refuted the same.

6. This Court carefully perused the FIR. It is the case of Vasantha Kumari that her marriage with the first petitioner's son Sudhakar was solemnized on 10.07.2013 and at the time of marriage, her parents had given 40 sovereigns of jewellery to her and 10 sovereigns of jewellery, a two wheeler and a cash of Rs.1,25,000/- as dowry to the first petitioner's son Sudhakar. After the marriage, a further amount has been demanded by Sudhakar for getting an employment as PG Assistant, for which a sum of Rs.2,60,000/- had been given by the Vasantha Kumari's father to the petitioners. It is alleged by Vasantha Kumari that her husband will come drunk everyday and beat her and that the petitioners also would inflict cruelty on her. The specific allegation in the FIR is that Rs.10,00,000- was further demanded by the said Sudhakar and that he had already married earlier, which was suppressed to Vasantha Kumari.

7. This is the specific allegation that on 19.02.2014, the petitioners forcibly obtained a divorce deed from Vasantha Kumari by threatening her and that she distorted her signature in the deed in order to escape from the clutches of her husband (A1) and the petitioners herein.

8. Since there are sufficient materials for the investigation to proceed against the petitioners, this is not a fit case in which prosecution can be quashed.

9. In the result, this petition is dismissed with a direction to the respondent-Police to proceed with the investigation in Crime No.14 of 2014 in accordance with law. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

To:

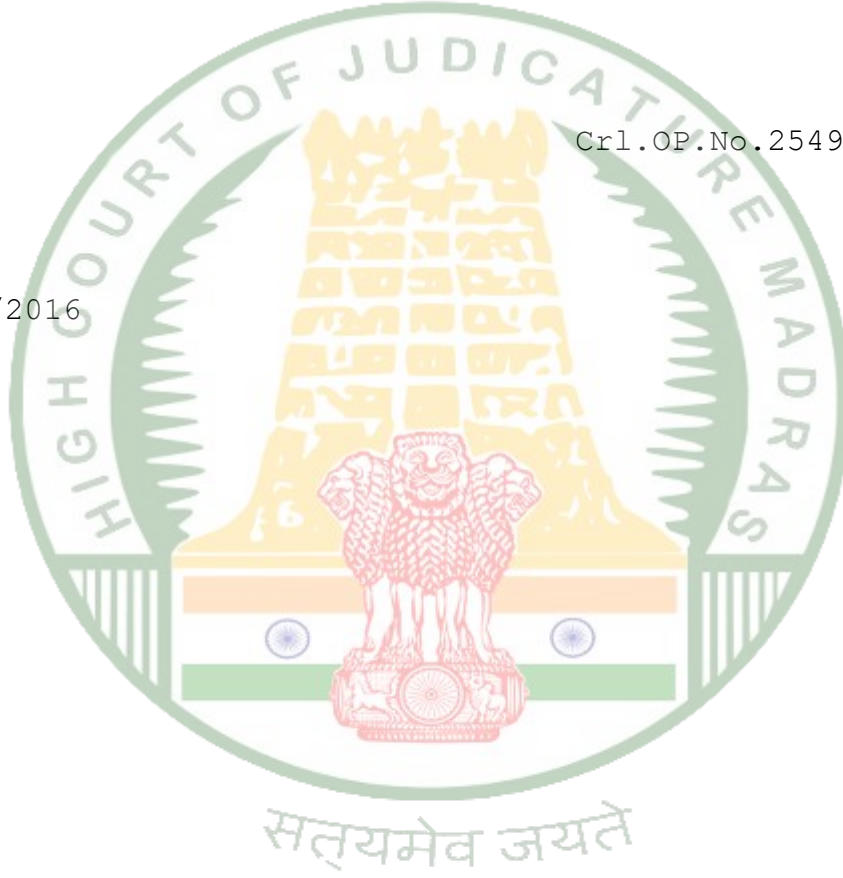
1.The Inspector of Police,
All Women Police Station,
Gudiyatham - 632 602.

2.The Public Prosecutor
High Court, Madras.

+lcc to Mr.S.Santhan, Advocate Sr.44240

Cr1.OP.No.25498 of 2014

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