

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.20934 of 2016

and

Crl.MP.Nos.9695 & 9696 of 2016

Swaminathan

... Petitioner

Vs

1.State, represented by the
Station House Officer,
All Women Police Station,
Papanasam, Tiruvarur District.

2.Nadhiya

..Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the proceedings in C.C.No.24 of 2016 on the file of the District Munsif cum Judicial Magistrate, Needamangalam, pursuant to Crime No.5 of 2015 on the file of the 1st respondent / complainant and quash the same.

For Petitioner : Mr.O.S.Thilak Pasumpadiar

For R1 : Mr.C.Emalias,
Addl.Public Prosecutor

ORDER

This petition has been filed to call for the records pertaining to the proceedings in C.C.No.24 of 2016 on the file of the District Munsif cum Judicial Magistrate Court, Needamangalam, pursuant to Crime No.5 of 2015 on the file of the 1st respondent / complainant and quash the same.

2. Heard the learned counsel appearing for the petitioner and learned Additional Public Prosecutor appearing for the 1st respondent.

3. On the complaint lodged by Nadhiya, the first respondent police registered a case in Crime No.5 of 2015 on 05.11.2015 and after completion of the investigation, filed a final report in CC.No.24 of 2016 before the District Munsif- cum-Judicial Magistrate Court, Needamangalam, for offences under Section 498-A and Section 4 of the Dowry Prohibition Act r/w 109 IPC against the petitioner herein, challenging which, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner submitted that the petitioner got married to the 2nd respondent / de facto complainant on 08.04.2012 and the FIR in this case was registered only on 05.11.2015 by giving false particulars. He also submitted that the petitioner has initiated prosecution in C.C.N.506 of 2015 against the family members of Nadhiya before the Judicial Magistrate Court, Kumbakonam and as a counter blast, the present prosecution has been filed against the petitioner.

5. Learned counsel appearing for the petitioner further submitted that the District Social Welfare Officer, in her report dated 16.10.2015, has merely stated that during her enquiry, she found materials to substantiate the allegations of dowry harassment. He further submitted that the District Social Welfare officer had not given any other reason.

6. This Court considered the statement of the learned counsel appearing for the petitioner.

7. The District Social Welfare Officer is not an investigating authority under Code of Criminal Procedure. When a complaint is lodged for matrimonial offences, the police would refer the complaint to the District Social Welfare Officer to conduct preliminary enquiry, so that the parties can appear before the District Social Welfare Officer and present their version. Beyond this no great significance can be attached to the report of the District Social Welfare Officer. In this case, the complaint given by Nadhiya clearly disclose the very factum of cruelties perpetrated by the petitioner and his family members.

8. In the light of the fact that there are prima facie materials against the petitioner, this Court is of the view that this is not a fit case to quash the prosecution, at the threshold.

Hence the petition is dismissed with liberty to the petitioner to raise all the points during trial before the trial

Court. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Station House Officer,
All Women Police Station,
Papanasam, Tiruvarur District.

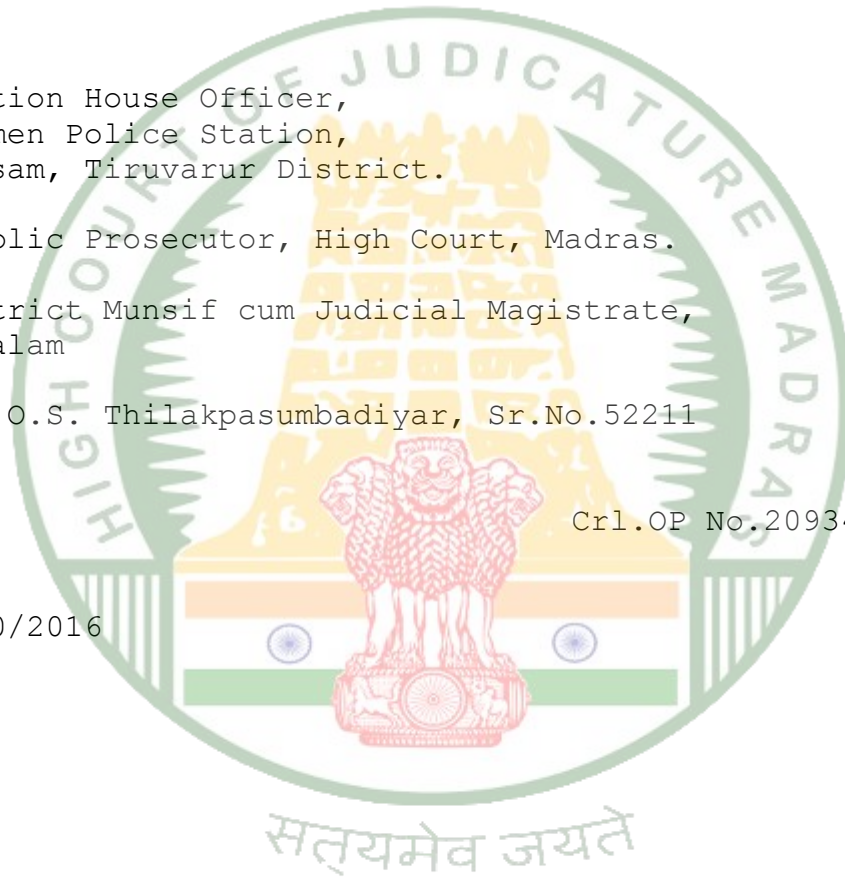
2. The Public Prosecutor, High Court, Madras.

3 The District Munsif cum Judicial Magistrate,
Needamangalam

+1 CC to O.S. Thilakpasumbadiyar, Sr.No.52211

Cr1.OP No.20934 of 2016

NR (CO)
MD : 04/10/2016



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