

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.2858 and 5139 of 2016

&

Crl.M.P. Nos.1491, 1492, 2692 and 2693 of 2016

1 G. Radhakrishnan

2 Soodamani ...Petitioners/Accused 3 & 4
in Crl.O.P. No.2858 of 2016

vs.

1 State represented by
The Inspector of Police
All Women Police Station
Sriperumbudur
Kancheepuram District
(Crime No.4 of 2015)

2 G. SupriyaRespondents/Complainant/
Defacto Complainant in
Crl.O.P.No.2858 of 2016

PremaPetitioner/Accused 5
in Crl.O.P. No.5139 of 2016

vs.

1 The State
represented by the Inspector of Police
All Women Police Station
Sriperumbudur
Kancheepuram District

2 G. SupriyaRespondents/Complainant/
Defacto Complainant in
Crl.O.P. No.5139/2016

Prayer in Crl.O.P. No.2858 of 2016:

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to call for the records relating to C.C. No.379 of 2015 on the file of the Judicial Magistrate, Sriperumbudur, Kancheepuram District and quash the same insofar as the petitioners are concerned.

Prayer in Crl.O.P. No.5139 of 2016:

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to call for the records in C.C. No.379 of 2015 pending on the file of the Judicial Magistrate, Sriperumbudur and quash the same.

For petitioners in : Mrs. S. Hemalatha
Crl.O.P. No.2858 of 2016

For R1 in : Mr. C. Emalias
Crl.O.P. No.2858 of 2016 Addl. Public Prosecutor

For R2 in : Mr. S.K. Chandrakumar
Crl.O.P. No.2858 of 2016

For petitioner in : Mrs. R. Anitha
Crl.O.P. No.5139 of 2016

For R1 in : Mr. C. Emalias
Crl.O.P. No.5139 of 2016 Addl. Public Prosecutor

For R2 in : Mr. S.K. Chandrakumar
Crl.O.P. No.5139 of 2016

COMMON ORDER

On the complaint lodged by one Supriya, the second respondent herein, the first respondent police registered a case in Crime No.4 of 2015 and after completing the investigation, have filed a final report in C.C. No.379 of 2015 for offences under Section 498-A, 494 and 501(I) IPC read with Section 4 of the Dowry Prohibition Act against Kamesh, Shenbagapriya, Radhakrishnan, Soodamani and Prema, challenging which, Prema has filed Crl.O.P. No.5139 of 2016 and Radhakrishnan and Soodamani have filed Crl.O.P. No.2858 of 2016.

2 It is the case of the prosecution that Supriya, Kamesh and Shenbagapriya are dentists by profession. It is alleged that Kamesh, true to his name, married Supriya on 15.07.2010 at Mannargudi and on 22.08.2010, he got married to Shenbagapriya. It is further alleged by the prosecution that the petitioners, viz., Radhakrishnan, Soodamani and Prema had inflicted acts of cruelty on Supriya and they were also demanding money from her.

3 Heard Mrs. S. Hemalatha for Radhakrishnan and Soodamani, Mrs. R. Anitha, learned counsel for Prema, Mr. C.Emalias, learned Additional Public Prosecutor for the first respondent State and Mr. S.K. Chandrakumar for Supriya.

4 Mrs. R. Anitha, learned counsel for Prema submitted that even in the FIR that is registered, Prema has been shown only as "rpd;d khkpahh;" and that Supriya did not even know her name. Therefore, she contended that only when the charge sheet was filed, the name of Prema surfaced as A5 and hence, the prosecution as against Prema is an abuse of process of law.

5 Mrs. Hemalatha, learned counsel for Radhakrishnan and Soodamani submitted that there no serious allegations against them inasmuch as Kamesh got married to Supriya even without their knowledge. Mrs. Hemalatha further contended that compromise appears to have been arrived at amongst the parties, under which, Kamesh has settled a property in favour of Supriya by a deed of settlement dated 30.04.2015, despite which, Supriya has initiated the prosecution.

6 Per contra, Mr. Chandrakumar, learned counsel for Supriya submitted that the property that was settled by Kamesh was encumbered with HDFC Bank and Supriya has no means to pay the mortgage amount to redeem the property and that she is ready and willing to hand over the property itself to Kamesh.

7 On the request made by this Court earlier, the learned counsel appear to have had mediation proceedings with the parties, during which, Kamesh is said to have agreed to discharge the loan to HDFC Bank and clear all encumbrances thereon by 15.02.2017.

8 Be that as it may, on a reading of the final report and the accompanying documents, this Court does not find any worthwhile materials to prosecute Prema. Prema is Soodamani's sister, which means that she is the maternal aunt of Kamesh. However, there are prima facie materials as against Radhakrishnan and Soodamani and therefore, this Court cannot interdict the prosecution at the threshold.

9 In view of the above, the prosecution as against Prema is quashed and as a sequel, Crl.O.P. No.5139 of 2016 is allowed and Crl.O.P. No.2858 of 2016 is dismissed. Connected Crl.M.Ps. are closed.

However, if Radhakrishnan and Soodamani are able to arrive at an amicable settlement with Supriya, it is open to them to approach this Court by filing a fresh application for quashing the prosecution launched against them in terms of the judgment of the Supreme Court in Narinder Singh and Others vs. State of Punjab and another [(2014) 6 SCC 466].

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Inspector of Police
All Women Police Station
Sriperumbudur
Kancheepuram District

- 2 The Judicial Magistrate
Sriperumbudur
Kancheepuram District

3 The Public Prosecutor
Madras High Court
Chennai 600 104

+1cc to Mrs. R. Anitha, Advocate, S.R.No. 63443

+1cc to Mrs. S. Hemalatha, Advocate, S.R.No. 64706

+1cc to Mr. S.K. Chandrakumar, Advocate, S.R.No. 63544

Common order in
Crl.O.P. No.2858 and 5139 of 2016

NMI (CO)
PSI (02/12/2016)



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