



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.8.2016

CORAM:

THE HONOURABLE Dr.JUSTICE S.VIMALA

Crl.O.P. (MD) No.15361 of 2016

and

Crl.M.P. (MD) Nos.7253 and 7254 of 2016

- 1.S.Hariharan
- 2.Meenakshi
- 3.A.Pandi
- 4.P.Kaanjana

.. Petitioners/Accused 1 to 4

Vs.

- 1.The State Rep.by
Inspector of Police,
All Women Police Station,
Samayanallur,
Madurai District.

- 2.Rajeshwari .. Respondents

PRAYER: This Criminal Revision Case is filed under Section 482 of Cr.P.C., to call for the records relating to C.C.No.173 of 2014 pending on the file of the Additional Mahila Court (Magistrate Level), Madurai and quash the same.

For Petitioners	: Mr.A.K.Manickam
For Respondents	: Mr.A.P.Balasubramani, Govt. Advocate (Crl.side) for R1

ORDER

It is a petition, seeking to quash the charge filed under Sections 294(b), 498(A), 454, 506(ii) and Section 4 of Tamil Nadu Women Harassment Act, 2002 in C.C.No.173 of 2014 on the file of the Additional Mahila Court (Magistrate Level), Madurai.

2.The case of the prosecution is that the first petitioner is the husband of the de facto complainant, the 2nd petitioner is the mother-in-law, 3rd petitioner is the husband of the 4th petitioner and the 4th petitioner is the sister of the 2nd petitioner. The marriage between the first petitioner and the de facto complainant was solemnized on 29.06.2016. At the time of marriage, the parents of the de facto complainant gave totally 64 sovereigns of gold jewels and household articles as dowry. Due to



harassment and humiliation at the hands of the petitioners, the de facto complainant left the matrimonial home and preferred the present complaint on 26.12.2012 before the 1st respondent Police. Based on the complaint, the 1st respondent Police registered a case in Crime No.11 of 2013. After conducting investigation, the respondent Police filed a charge sheet under Sections 294(b), 498 (A), 454, 506(ii) and Section 4 of Tamil Nadu Women Harassment Act, 2002.

3.The learned counsel appearing for the petitioners would submit that there is illegality in taking cognizance of the offence under Sections 454 and 506(ii) IPC.

4.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) appearing for the 1st respondent Police.

5.The contention raised by the learned counsel for the petitioners is that the cognizance has been taken under Section 454 IPC for which, there is no material.

6.Perusal of the record would go to show that there is no material available on record and there is no scope for taking cognizance under Section 454 IPC. Therefore, the cognizance under Section 454 IPC is hereby set aside.

7.It is pointed out by the learned Government Advocate (Crl.side) that already summons have been issued to LWs.1 to 3 on 06.10.2016. In such circumstances, it may not be appropriate for this Court to entertain the application for quashing the charges.

8.Perusal of the record would go to show that since prima facie materials are available in respect of the other offences, the Criminal Original Petition is disposed of, directing the Trial Court to expedite the trial and complete proceedings in C.C.No.173 of 2014 as expeditiously as possible preferably within a period of 3 months from the date of receipt of a copy of this order.

9.The appearance of the petitioners 2, 3 and 4 shall be dispensed with. Consequently, connected Crl.M.Ps.are closed.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar



To

1.The Additional Mahila Court (Magistrate Level), Madurai.

2.The Inspector of Police,
All Women Police Station,
Samayanallur,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.A.K.Manickam, Advocate Sr.No.48309/16

nbj

sm:SS2:23.09.2016:3P/5C

Cr1.O.P. (MD) No.15361 of 2016
26.08.2016