

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2017

[Orders reserved on 19.07.2017]

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.O.P.No.25672 of 2014
and M.P.No.1 of 2014
and Crl.M.P.No.328 of 2016

Sridhar ... Petitioner/1st Accused
.. Vs ..

1. State rep. by Inspector of Police,
All Women Police Station,
Poonamallee,
Thiruvallur District.
Crime No.12 of 2013.
2. M.Pavithra ... Respondents/Complainants

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.,
to call for the records relating to the FIR in Crime No.12 of 2013
pending on the file of the All Women Police Station (W-30),
Poonamallee, Thiruvallur District and to quash the same by allowing
this criminal original petition.

For Petitioner : Mr.D.Bennington
For R-1 : Mr.B.Ramesh Babu,
Government Advocate (Crl.Side)
For R-2 : Mr.V.S.Venkatesh
- - - - -

ORDER

This criminal original petition is filed under Section 482 of Cr.P.C., to call for the records relating to the FIR in Crime No.12 of 2013 pending on the file of the All Women Police Station (W-30), Poonamallee, Thiruvallur District and to quash the same by allowing this criminal original petition.

2. In this case, totally there are ten accused and the petitioner herein is the first accused.

3. The allegations raised by the de facto complainant in the complaint are regarding ill-treatment of the husband and his family members by demanding 200 sovereigns of gold jewels and BMW car before marriage and by demanding 100 sovereigns as against 200 sovereigns and BMW car in the place of Hyundai 120 car after marriage and by keeping the RC book in the custody of the third accused/mother-in-law and by setting up the family in the house of fifth accused/grandfather and by compelling the de facto complainant to do all the household work to all the family members and by scolding

her in abusive language and by harassing her for bringing less dowry and by demanding her to bring more household articles and by mixing (வெள்ளை எள்) in the juice given to her in order to prevent her from becoming pregnant and by not giving her sufficient food, while she was ill and by assaulting and attempting to kill her by inducing her husband to get divorce from her and demanding Rs.10 Lakhs to put up construction and by threatening her to leave the matrimonial house and by kicking her and by inducing her husband to frequently fight with her and by leaving her in one room after locking the entire house and by threatening her not to talk to her parents and by forcibly leaving her in the house of her parents.

4. When the matter was under investigation by the first respondent police, Accused Nos.2 to 10, who are all father-in-law and mother-in-law and other relatives of the petitioner/husband have moved a petition in Crl.O.P.No.12345 of 2014 before this Court under Section 482 of Cr.P.C. to quash the FIR in Crime No.12 of 2013 pending on the file of the first respondent police. After contest, by an order dated 09.09.2014, this Court has quashed the FIR in Crime No.12 of 2013 as against A.2 to A.10. Aggrieved by the said order, the second

respondent herein/wife had preferred a petition for special leave to appeal before the Hon'ble Supreme Court in S.L.P.(Crl.) No.9709 of 2014 and by an order dated 30.10.2015, the Hon'ble Supreme Court disposed of the said petition, wherein, since specific allegations have been made against the mother-in-law/A.3 namely Hemavathi, the Hon'ble Supreme Court has directed to proceed against her and in respect of A.2 and A.4 to A.10 F.I.R. stands quashed.

5. Now, the first accused has preferred this petition for quashing the F.I.R. in Crime No.12 of 2013 on the ground that the allegations are general in nature and there is no specific allegations of mental cruelty or demand of dowry as against him.

6. This Court heard the submissions made by the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent and the learned counsel appearing for the second respondent and perused the records.

7. On a perusal of the complaint given by the de facto complainant/second respondent herein before the first respondent

police on 28.12.2013, it is seen that there are specific allegations of mental cruelty and demand of dowry against this petitioner/A.1/ husband. With regard to delay in lodging the complaint, the matter has been already dealt with by the Hon'ble Supreme Court and in respect of the third accused/mother-in-law, the Hon'ble Supreme Court has also directed to proceed with the FIR as against her.

8. The other issue raised by the learned counsel for the petitioner is that subsequent to this complaint, the second respondent/wife has also filed a domestic violence case in D.V.C.No.8 of 2014 before the learned Judicial Magistrate No.1, Poonamallee, and she has also filed a maintenance case in M.C.No.2 of 2014 before the learned Judicial Magistrate No.1, Poonamallee. On perusal of the complaint under the domestic violence case, based on the report of the Protection Officer, it is seen that the second respondent herein/wife was said to have suffering from domestic violence at the hands of the accused and the prayer is for return of sreethana articles and hence, that is nothing to do with the present proceedings.

9. After going through the allegations contained in the

complaint and also previous order passed by this Court and the Hon'ble Apex Court, this Court is of the considered view that there is substantial allegations are levelled against the husband/petitioner herein and against the third accused/mother-in-law namely Hemavathi and as such, the matter has to be decided only by trial and hence, it is a fit case for investigation. In this view of the matter, this Court is not inclined to accept the case of the petitioner herein and the same is hereby rejected.

10. Since the matter is relating to the year 2013, the first respondent police is directed to expedite the investigation and to file a final report at the earliest, within a period of four months from the date of receipt of a copy of this order.

With the above observations, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are also dismissed.

07.08.2017

Index : Yes / No
Internet : Yes

Jrl

To

1. The Inspector of Police,
All Women Police Station,
Poonamallee,
Thiruvallur District.
2. The Public Prosecutor,
High Court, Madras.



WEB COPY

RMT.TEEKAA RAMAN, J.

Jrl



Order in

Crl.O.P.No.25672 of 2014

WEB COPY

07.08.2017