



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16 .03.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM**Cr1.O.P. (MD) No.23137 of 2016**

Dr.Jadamuni : Petitioner/Accused No.1

-vs-

1.R.Sundar : R1/De-facto complainant

2.The State rep. by
The Inspector of Police,
All Women Police Station,
Dindigul.
(Crime No.29/2008) : R2/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the proceedings in C.C.No.57 of 2009 on the file of the learned Judicial Magistrate No.II, Dindigul and quash the same.

For Petitioners : Mr.S.Suresh Issac Paul

For 1st Respondent : Mr.D.Sivaraman

For 2nd Respondent : Mr.A.P.Balasubramani
Government Advocate (Cr1. Side)

O R D E R

This petition has been filed to call for the records relating to the proceedings in C.C.No.57 of 2009 on the file of the learned Judicial Magistrate No.II, Dindigul and quash the same.

2.The learned counsel appearing for the petitioner would submit that the dispute involved in respect of the Crime No.29 of 2008 is a matrimonial dispute, but without following any procedure and enquiring the persons involved in the alleged offence stated in the complaint, the respondent police registered the FIR, which is not maintainable in law and that the present complaint is the 3rd complaint, which was filed with oblique motive. Hence, he prayed that the complaint filed in C.C.No.57 of 2009 has to be



quashed.

3.The learned counsel appearing for the first respondent would submit that the 1st respondent is the wife of the petitioner and the petitioner along with other accused tortured the 1st respondent by demanding more dowry and hence, he prayed for the dismissal of the petition.

4.The learned Government Advocate (Criminal side) appearing for the 2nd respondent would submit that based on the complaint lodged by the 1st respondent, a case in Crime No.29 of 2008 has been registered, which was taken on file in C.C.No.57 of 2009 by the Judicial Magistrate No.II, Dindigul and now, the case is pending for disposal.

5.Heard the rival submissions and perused the materials available on record.

6.It is seen from the records that the 1st respondent is the wife of the petitioner and he along with the other accused harrassed the petitioner by demanding more dowry and based on the complaint given by the 1st respondent, a case in Crime No.29 of 2008 stands registered, which was taken on file in C.C.No.57 of 2009 and the case is pending before the trial court since 2009.

7.In this case, the petitioner has been arrayed as A1. On reading of the complaint and the statement of witnesses recorded by the police, it is found that prima facie materials are available against the accused persons to presume that the the petitioner along with the other accused would have committed the alleged offences. Whether the evidence and the statements recorded by the police is true or not is the question to be decided at the time of trial, after recording the evidence on both sides. Hence, the argument of the learned counsel for the petitioner that no incriminating materials are available against the petitioner and hence, the charge sheet filed against the petitioner has to be quashed, has no merit.

8.In view of the above circumstances, since there are prima facie materials are available against the accused persons, the petition filed by the petitioner to quash the charge sheet is not at all maintainable in law. Hence, this court is of the considered view that the relief sought by the petitioner cannot be granted.

9.In the result, this criminal original petition is **dismissed**. The trial court is directed to post the case on day today basis and dispose of the case in C.C.No.57 of 2009 on merits and in



accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

WEB COPY

Sub Assistant Registrar

To

1.The Judicial Magistrate No.II,
Dindigul.

2.The Inspector of Police,
All women Police Station,
Dindigul.

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

+1cc to Mr.D.Sivaraman, Advocate in SR.No.15608

JS/SV/MMS/27.03.2017/3P-5C

Crl.O.P. (MD) No.23137 of 2016
16.03.2017