

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.7142 of 2017  
and Crl.M.P.No.5182 of 2017

1.S.Surendarnath  
2.M.Sundramoorthy  
3.S.Geetha  
4.S.Vishnupriya  
5.R.Pushparaj  
6.R.Durga  
7.R.Sumathi  
8.R.Moorthy  
9.J.Sheela Jaya

... Petitioners

Vs

1.The Inspector of Police,  
All Women Police Station,  
Tiruvannamalai.

2.The Inspector of Police,  
All Women Police Station,  
Theni.

3.S.Ponmani

..... Respondents

Criminal Original Petition filed under Section 482  
Cr.P.C., praying to call for the records relating to the Crime  
No.5 of 2017 on the file of the All Women Police Station,  
Tiruvannamalai and quash the same.

For Petitioners : Mr.K.Narayanan

For Respondents : Ms.M.Prabavathi,  
Additional Public Prosecutor,  
for R1 & R2  
Mr.B.Mahendra Naidu, for R3

O R D E R

This Criminal Original Petition has been filed to call  
for the records relating to Crime No.5 of 2017 on the file of  
the All Women Police Station, Tiruvannamalai and quash the same.

2. On the complaint lodged by the third respondent, the second respondent police have registered a case in Crime No.20 of 2016, and for want of jurisdiction, transferred the case to the first respondent, wherein, the case has been re-registered as Crime No. 5 of 2017 on 23.02.2017 for the offences under Sections 294(b), 498(A), 307, 506(1) of IPC and Section 4 of Dowry Prohibition Act. On a reading of the complaint it is seen that the defacto complainant got married to Surendarnath [A1] on 19.11.2012 at Tiruvannamalai; the defacto complainant was a student of Indian Institute of Technology, Chennai and Surendarnath [A1] was working in National Institute of Technology, Tiruchirappalli (for short "NITT"); after marriage, the couple settled in Hyderabad, where both of them got employment in Lords Engineering College; they were also blessed with a child; their marriage life was very happy in Hyderabad until January 2016, when the defacto complainant suspected that her husband was having an affair with one Sheela Jaya [9<sup>th</sup> petitioner] in Trichy; when the defacto complainant started making enquiries, she was shocked to learn that her husband was continuing his illicit intimacy with Sheela Jaya; Sheela Jaya was employed in NITT; the defacto complainant informed Dr.A.Vadivel, the Director of NITT about her husband's illicit intimacy with Sheela Jaya and requested his intervention; on coming to know of this, Surendarnath [A1] attempted to commit suicide in Hyderabad; thereafter, it is alleged by the defacto complainant that she was subjected to cruelty and there was a demand of dowry and all other allegations.

3. Heard the learned counsel for the petitioners/accused; the learned Additional Public Prosecutor for the State and the learned counsel for the de facto complainant.

4. On a complete reading of the complaint it appears that most of the transactions had taken place in Hyderabad, where Surendarnath [A1] and the defacto complainant were living. Even according to the defacto complainant, they were living happily till January 2016 and only thereafter, their matrimonial life started shaking after she came to know that Surendarnath [A1] was having illicit affair with Sheela Jaya.

5. According to Surendarnath [A1], he was not having any affair with Sheela Jaya and that the defacto complainant by casting such aspersions has spoiled the reputation of both of them.

6. On a careful reading of the FIR, this Court finds that there are some materials as against Surendarnath [A1]. However, there are no serious

allegations as against Geetha [A3], Vishnupriya [A4], Pushparaj [A5], Sumathi [A6], Durga [A7] and Moorthi [A8]. In Arnesh Kumar vs. State of Bihar and another [(2014) 8 SCC 273], the Supreme Court has deprecated the tendency of the complainants in matrimonial cases to implicate all the family members of the husband's family indiscriminately. Hence, the prosecution as against the aforesaid accused in Cr.No.5 of 2017 stands quashed. The investigation shall proceed as against Surendarnath [A1], Sundaramoorthi [A2] and Sheela Jaya [A9] and if it is found that there are no materials to prosecute them, the respondent police shall close the case or file a charge sheet, as the case may be, with due intimation to the de facto complainant.

In the result, this petition is partly allowed. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(Audit)

//True copy//

Sub Assistant Registrar

mbi/gms

To

1.The Inspector of Police, All Women Police Station,  
Tiruvannamalai.

2.The Inspector of Police, All Women Police Station, Theni.

3.The Public Prosecutor, High Court, Madras.

+1cc to Mr.K.Narayanan, Advocate SR.No.60197

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GMV (17/09/2018)