



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.06.2018
CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

WEB COPY

Crl.OP.No.11252 of 2018

1.Vishwanathan

2.Sarasvathi

..Petitioners

Vs

1. The State rep. by
The Inspector of Police
AWPS, Gudiyatham
Vellore District.

2. Ramya

..Respondents

**R2 impleaded by order dated 20.06.2018 made in
Crl.MP.No.8041 of 2018 in Crl.OP.No.11252 of 2018

Criminal Original Petition has been filed under Section 482 Cr.P.C., to call for the records pertaining to the proceedings in C.C.No.44 of 2018 on the file of the Judicial Magistrate Court, Gudiyatham and quash the same.

For Petitioners : Mr.A.Thiyagarajan

For Respondents : Mrs.Kritika Kamal.P

Government Advocate (Crl. Side)
for R1

Mr.R.Rajarajan for R2

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to the proceedings in C.C.No.44 of 2018 on the file of the Judicial Magistrate Court, Gudiyatham and quash the same.

2. On the complaint lodged by the second respondent, the first respondent police registered a case in Crime No.20 of 2014 and after completing the investigation, filed a charge sheet in C.C.No.44 of 2018 before the Judicial Magistrate, Gudiyatham, for the offences under Sections 294(b), 323, 498-A and 506(ii) IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 1998, and Section 4 of the Dowry Prohibition Act, 1961, @ 498-A, 294(b), 323 and 506(ii) IPC & Section 4 of the Dowry Prohibition Act, 1961, against nine accused, for quashing which, Vishwanathan (A4) and Sarasvathi (A5) are before this Court.

3. The learned counsel for the petitioners/accused Nos.4 & 5 submitted that the charge sheet does not disclose even prima facie materials for the purpose of framing a charge. He also contended that the de facto complainant has made omnibus



allegations in the FIR as well in the Section 161(3) Cr.P.C. statement.

4. Per contra, the learned counsel for the second respondent/ de facto complainant refuted the above said contentions and submitted that the petitioners, along with other accused, had inflicted untold cruelty on the de facto complainant and took this Court through the FIR and the Statement 161(3) Cr.P.C. statement.

5. This Court gave its anxious consideration to the rival submissions.

6. It is seen that Suresh (A1) is the husband of the de facto complainant; Paulraj (A2) and Dhanalakshmi (A3) are the parents in-law of the de facto complainant. The petitioners are the aunt and uncle of Suresh (A1) and admittedly, they were living separately. In the complaint given by the second respondent, which forms the basis of registering the FIR and in the Section 161(3) Cr.P.C. statement, she has stated that she got married to Suresh (A1) on 29.05.2013 and within 20 days of marriage, all the accused treated her cruelly. She has not made any specific allegations or attributed any overt act against the petitioners herein. She has further stated that she gave a complaint to the Inspector of Police, AWPS, Gudiyatham and during enquiry, the issues were amicably settled. Thereafter, it is alleged by her that she was ill treated by her husband and in-laws. She has referred to a particular incident on 19.05.2014, in which, it is alleged that her parents in-law and sisters-in-law attacked her and injured her. In that incident, there is no reference to the petitioners herein. In Arnesh Kumar vs. State of Bihar and another [(2014) 8 SCC 273], the Supreme Court has noticed the general tendency to implicate all the relatives of the husband in matrimonial cases.

7. In the opinion of this Court, this is one such case. Under such circumstances, this petition is allowed and the proceedings in C.C.No.44 of 2018 on the file of the Judicial Magistrate Court, Gudiyatham, is quashed as against the petitioners herein.

8. The trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order, provided, there is no other legal impediment.

(2/2)

Sd/-
Assistant Registrar(CS II)

//True Copy//



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To

1. The Judicial Magistrate
Gudiyatham.

2. The Inspector of Police
AWPS, Gudiyatham
Vellore District.

3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.A.Thiyagarajan, Advocate Sr.No.38619

+1cc to Mr.R.Rajarajan, Advocate Sr.No.38837

SKS (CO)
sm:9.7.2018

Cr1.OP.No.11252 of 2018