

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 22.06.2018
Pronounced on : 04.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.6606 of 2009
and
M.P.No.1 of 2009

1.Suresh,
S/o.Viswanathan

2.Viswanathan

3.Saraswathy,
W/o.Viswanathan

4.R.Premalatha,
W/o.G.Ramesh

...Petitioners/Accused Nos.1 to 4

Vs.

State represented by
Inspector of Police,
All Women Police Station,
Puducherry.

...Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records of the case in C.C.No.153 of 2008 on the file of the Chief Judicial Magistrate Court, Puducherry and quash the proceedings against these petitioners.

For Petitioners: Mr.C.Ramkumar

For Respondent : Mr.Bharatha Chakaravarthy
Public Prosecutor (Pondicherry)

O R D E R

This Criminal Original Petition is filed to call for the records of the case in C.C.No.153 of 2008 on the file of the Chief Judicial Magistrate Court, Puducherry and quash the proceedings against these petitioners.

1.The petitioners herein are accused Nos.1 to 4 in C.C.No.153 of 2008, which is pending on the file of Chief Judicial Magistrate Puduchery for the Offences under Section

498-A, 506(ii) r/w 34 and U/s.4 of Dowry Prohibition Act 1961. The respondent had registered a case on the complaint of Thangam @ Kal, Wife of the 1st petitioner in Crime NO.1 of 2008 on 14-1-2008. On completion of investigation charge sheet was filed on 29-03-2008, arraying the petitioners as A1 to A4. The 1st petitioner/A1 being the husband of the informant, 2nd petitioner/A2 is the Father-in-law, 3rd petitioner/A3 is the Mother-in-law, 4th petitioner/A4 is the Sister-in-law in C.C.No.153 of 2008. On receipt of summons, the petitioners herein, who are accused have filed the present Criminal Original Petition.

2.It is submitted by the Public Prosecutor that A2 has since died hence nothing survives as against him.

3.The contention of the learned counsel for the petitioners is that on the basis of the complaint dated 14-01-2008, no case has been made out against them. Further, after the performance of betrothal on 28-11-2004, the marriage was conducted eight months thereafter. There is ample evidence to show the 1st accused has sent money to the informant on three occasions i.e., on 27-10-2005 Rs.25,000/-; on 27-12-2005 Rs.20,000/-; on 14.03.2006 Rs.20,000/- and prior to the complaint dated 14-01-2008. There has been no allegations against the petitioners. Per contra, the petitioners have lodged three complaints against the informant before the police station and legal service authority for the harassment meted out in the hands of the informant.

4.It is further contended by the learned counsel for the petitioners that the informant had lived with the 1st petitioner only for a period from August 2007 to December 2007. It was only the informant, who had harassed the aged in-laws which made them to make criminal complaint against her. She was picking up complaint against the 1st petitioner compelling to take her to France. Except for the bald allegation, there is no specific overt act against the petitioners. Further, during August 2007 the informant along with her family members forcibly entered into the petitioners house and taken away Passport, Certificates and Cash for which criminal complaint was also filed on the advice of the police authorities the 1st petitioner approached the legal service authorities and through them he had got back the passport and certificates. Hence, the case against them as projected by the respondent on the complaint of the informant has to be quashed.

5.The learned Public Prosecutor, Puducherry had submitted that on the receipt of the complaint of the informant, investigation has been carried out and the statement of informant, her father, mother, brother and family friends, neighbours have been recorded and there are sufficient materials, hence, charge sheet has been filed before the

appropriate Court and the quash petition filed by the petitioners is to be dismissed. The counsel for the informant had also reiterated the same.

6.This Court, on perusal of the statements of the listed witnesses finds that there have been categorical, averments made against all the petitioners, more particularly specific overt act have been attributed against 1st petitioner, 3rd petitioner and 4th petitioner. Not only by the family members even by others. In such circumstances, this court feels that there is no merit in the contention of the petitioners and the case is liable to be dismissed.

8.The trial court is taking into the consideration that the above case has been put on cold storage from the year 2009 without any progress is directed to proceed with the trial and to complete the trial within a stipulated time giving priority to conclude the trial, within a period of six months.

9.It is seen from the case bundle that by letter dated 14-03-2016, the Chief Judicial Magistrate, Puducherry had submitted the entire material records to this court. Registry is directed to send back the material records of the above case forthwith as the case has been directed to be completed within a stipulated period of six months.

10.Hence, the Criminal Original Petition stands dismissed with the above direction. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Chief Judicial Magistrate,
Puducherry.
 - 2.The Inspector of Police,
All Women Police Station, Puducherry.
 - 3.The Public Prosecutor,
High Court, Madras.
- Copy to: The Section Officer,
Criminal Records, High Court, Madras.

+1 cc to Mr.R.S. Raveendhren, Advocate Sr.42979

CrI.O.P.No.6606 of 2009

VBA (CO)

FU(19/07/2018)

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