

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 13.04.2018

PRONOUNCED ON : 20.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE P.N. PRAKASH

Criminal Original Petition No.11346 of 2018
and CrI.M.P.Nos.5844 and 5866 of 2018

1.N.Lakshmi
2.Natarajan
3.Santhoshkumar ... Petitioners/Petitioners
Accused 2 to 4

Vs.

1.State rep by
The Inspector of Police
All Women Police Station
Chidambaram
Cuddalore District.1stRespondent/1stRespondent
Complainant

2.A.L.V.Sakthisri2ndRespondent/2ndRespondent
Defacto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the proceedings in C.C.No.29 of 2018 on the file of the District Munsif-cum-Judicial Magistrate, Portonovo and quash the same as against the petitioners.

For Petitioners : Mr.A.Kumar

For R1 : Mrs.P.Kritika Kamal
Government Advocate (CrI.Side)

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O R D E R

This petition has been filed to call for the records pertaining to the proceedings in C.C.No.29 of 2018 on the file of the District Munsif-cum-Judicial Magistrate, Portonovo and quash the same as against the petitioners.

2. On the complaint lodged by one Sakthisri, the respondent police registered a case in Cr.No.6 of 2017 and after completing

the investigation, have filed a Charge Sheet in C.C.No.29 of 2018 under Sections 498-A, 406 and 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, against 5 accused, challenging which, A2 to A4 are before this Court.

3. Heard the learned counsel for the accused and the learned Government Advocate [Crl.Side] appearing for the State.

4. Learned counsel for the accused submitted that there are no prima facie materials against the accused, inasmuch as A1 and the de facto complainant were in love for three years and thereafter, they got married and that A1 is at present abroad. He further submitted that the de facto complainant initiated proceedings in M.C.No.1 of 2017 under the Protection of Women from Domestic Violence Act before the Judicial Magistrate, Portonovo, but withdrew the same, which only shows that the present prosecution is an abuse of process of law.

5. Per contra, learned Government Advocate [Crl.Side] refuted the contentions put forth by the learned counsel for the accused.

6. Bearing in mind the law laid down by the Supreme Court in Arnesh Kumar vs. State of Bihar and another [(2014) 8 SCC 273] wherein, the Supreme Court has observed that there is a trend in matrimonial cases to make unsubstantiated allegations against all the family members of the husband, only to harass them, this Court carefully perused the 161 Cr.P.C. statements and other records.

7. It is true that the de facto complainant and A1 were in love for three years and ultimately, they got married on 20.01.2016. After marriage, the de facto complainant was living in her matrimonial home. It appears that the de facto complainant has been beaten in her matrimonial home and she has been abused by all the accused as could be seen from the statements recorded under Section 161 Cr.P.C. A1 has initiated divorce proceedings in HMOP No.6 of 2017 before the Sub Court, Chidambaram against the de facto complainant and the same is pending. It is true that the de facto complainant initiated proceedings in M.C.No.1 of 2017 under the Protection of Women from Domestic Violence Act. However, even in the Charge Sheet, it is stated that she was coaxed by the accused to withdraw the proceedings on the promise that they will take good care of her. Believing that, she withdrew the proceedings and thereafter, the de facto complainant was subjected to both physical and mental abuse. Thus, since there are sufficient materials in the Charge Sheet and the accompanying documents, the prosecution cannot be quashed.

In the result, this petition is dismissed. Consequently,
connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

gms

To

1.The Inspector of Police
All Women Police Station
Chidambaram
Cuddalore District.

2.The District Munsif-cum-Judicial Magistrate,
Portonovo.

3.The Public Prosecutor
High Court, Madras.

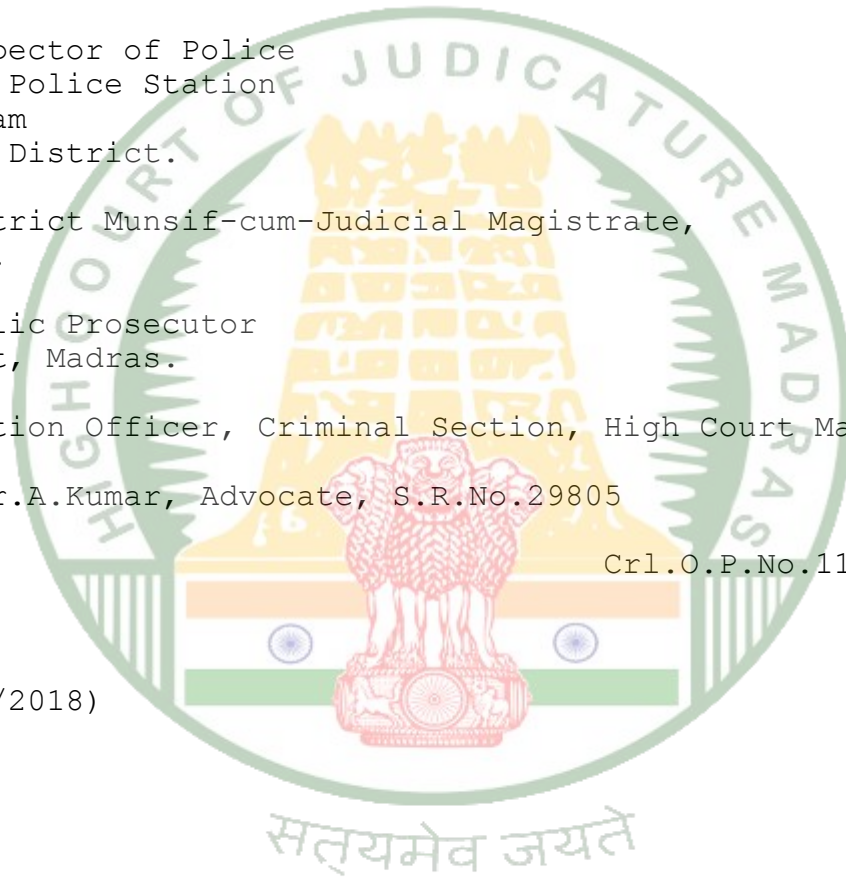
4.The Section Officer, Criminal Section, High Court Madras.

+1cc to Mr.A.Kumar, Advocate, S.R.No.29805

CrI.O.P.No.11346 of 2018

SSV(CO)

RRK(17/05/2018)



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