

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2018

CORAM

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

Crl.O.P.No.2674 of 2015
and M.P.No.1 of 2015

1. V.Gnanasekaran
2. C.Joel
3. M.Sugumar ... Petitioners

Vs.

State represented by
the Inspector of Police,
Arakonam Town Police Station. ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records in C.C.No.95 of 2012 on the file of the Judicial Magistrate, Arakonam and quash the same.

For Petitioners : Mr.A.V.Somasundaram
for M/s.Lakshmipriya Associates

For Respondent : Mr.T.Shanmuga Rajeswaran
Government Advocate (Crl.Side)

O R D E R

The Petitioners are arrayed as accused 1 to 3 in C.C.No.95 of 2012 on the file of Judicial Magistrate, Arakonam. The Inspector of Police, Arakonam Police Station, registered an F.I.R. in Crime No. 50 of 2011 against the present petitioners for the alleged offences punishable under Sections 417, 420, 498(A) and 506(ii) IPC on the basis of the complaint preferred by the defacto complainant viz., Krishnan @ Krishtopher.

2. The main allegation in the complaint is that the marriage between the first petitioner and the defacto complainant's daughter was fixed on 13.01.2010 and that all the petitioners demanded dowry from the defacto complainant.

3. According to the defacto complainant, the petitioners not only cheated him and his daughter by not performing the marriage on 13.01.2010 but also threatened him with dire consequences over phone.

4. Mr.A.V.Somasundaram, learned counsel appearing for the petitioner would contend that Inspector of Police,

after concluding the inspection, altered the Sections to Section 417 , 506 (ii) read with 34 IPC and that since final report was filed only on 25.04.2012, it is barred by limitation under Section 468 Cr.P.C.

5. He further contented that the cognizance taken by the Judicial Magistrate, Arakonam, is wrong and therefore the entire proceedings in C.C. No.95 of 2012 is liable to be quashed.

6. It is also contended by the learned counsel appearing for the petitioner that for Sections 417 and 506(ii) IPC would not also be attracted in the present case.

7. A perusal of the statement of witnesses recorded by the police under Section 161 (B) Cr.P.C shows that there are allegations of demanding dowry from the defacto complainant. The punishment under Section 498(A) IPC is three years and since the charge sheet is filed on 25.04.2012, it is for the Magistrate to consider whether any offence under Section 498(A) of IPC is made out or not. At this stage, this Court cannot conduct any roving enquiry into the truth or otherwise, of the allegations made in the statements recorded under Section 161(3) Cr.P.C.

8. Therefore, I find no reason to quash the proceedings in C.C.No.95 of 2012 on the file of Judicial Magistrate, Arakonam. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IX)

// True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate, Arakonam.
2. The Inspector of Police,
Arakonam Town Police Station.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/S.LAKSHMI PRIYA, Advocate SR.No.53049

Cr1.O.P.No.2674 of 2015
and M.P.No.1 of 2015

KS (CO)
SMI/21.08.2018

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