

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.No.30279 of 2015
and Crl.M.P.No.1 & 2 of 2015

1. Nagamalli
2. Raman Petitioners

Vs.

1. State rep by
The Inspector of Police,
All Women Police Station,
Ponneri, Thiruvallur District. 1st respondent

2. Sowmiya 2nd respondent

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C to call for the records in C.C.No.51 of 2015 on the file of the Judicial Magistrate No.II, Ponneri, Thiruvallur District and quash the same

For Petitioners : Mr. K.S.Kaviarasu

For 1st Respondent: Mr.T.Shunmugarajeswaran
Gov. Advocate (Crl. Side)

For 2nd Respondent : No appearance

ORDER

The petitioners are arrayed as 2nd and 3rd accused in C.C.No.51 of 2015 on the file of the Judicial Magistrate No.II, Ponneri, Thiruvallur District.

2. On the basis of the complaint preferred by the 2nd respondent/complainant, the Inspector of Police, All women Police Station, Ponneri registered the First Information Report in Crime No.7 of 2014 of All Women Police Station, Ponneri, Thiruvallur District and after conclusion of the investigation, laid a charge sheet against the present petitioners as well as two others for the alleged offences punishable under Sections

417, 498(A), 506(i) of the Indian Penal Code read with Section 4 of Women Harassment Act and Section 4 of Dowry Prohibition Act.

3. In the instant petition, the petitioners have contended that the allegations made against them in the complaint as well as the final report are vague and baseless and that they are innocent. According to them, since there was a matrimonial dispute between the first accused and the de-facto complainant, the de-facto complainant implicated the present petitioners also in her complaint dated 12.02.2014, preferred to by her before the Inspector of Police, All Women Police Station, Ponneri.

4. Mr.K.S.Kaviarasu, learned counsel appearing for the petitioners would contend that a perusal of the entire final report would reveal that no offence under Section 417 of the Indian Penal Code is made out. However, he was fair enough to contend that there are prima facie materials, as far as Sections 498A and 506(i) of the Indian Penal Code and Section 4 of Women Harassment Act and Section of 4 Dowry Prohibition Act.

5. Per contra, the learned Government Advocate (Crl.Side) would contend that, at this stage, this court cannot conduct any roving enquiry to find out the truth or otherwise of the allegations levelled by the prosecution and there are prima facie materials available on record to proceed against the present petitioners for the offences punishable under Section 417, 498A, 506(i) of the Indian Penal Code read with Section 4 of Women Harassment Act and Section 4 of Dowry Prohibition Act. He would further contend that the 4th and 5th accused filed a criminal original petition in Crl.O.P.No.26097 of 2015 before this court to quash the proceedings and the same was dismissed on 05.11.2015 and he therefore, prayed for dismissal of the present petition also.

6. At the outset, it may be observed that a perusal of the final report filed by the Inspector of Police, All Women Police Station, Ponneri, Thiruvallur District shows that the accused have been prosecuted only for the offences under Sections 498A and 506(i) of the Indian Penal Code read with Section 4 of the Women Harassment Act and Section 4 of Dowry Prohibition Act. No offence under Section 417 of the Indian Penal Code is mentioned in the final report. It is also brought to the notice of this court that the charges have not been framed in C.C.No.51 of 2015 on the file of the Judicial Magistrate No.II, Ponneri, Thiruvallur District. Therefore, the Judicial Magistrate No.II, Ponneri, Thiruvallur District is directed to consider all the records, before framing charges and dispose of the case, as expeditiously as possible.

7. With the above observations, this Criminal original petition is dismissed. The connected criminal miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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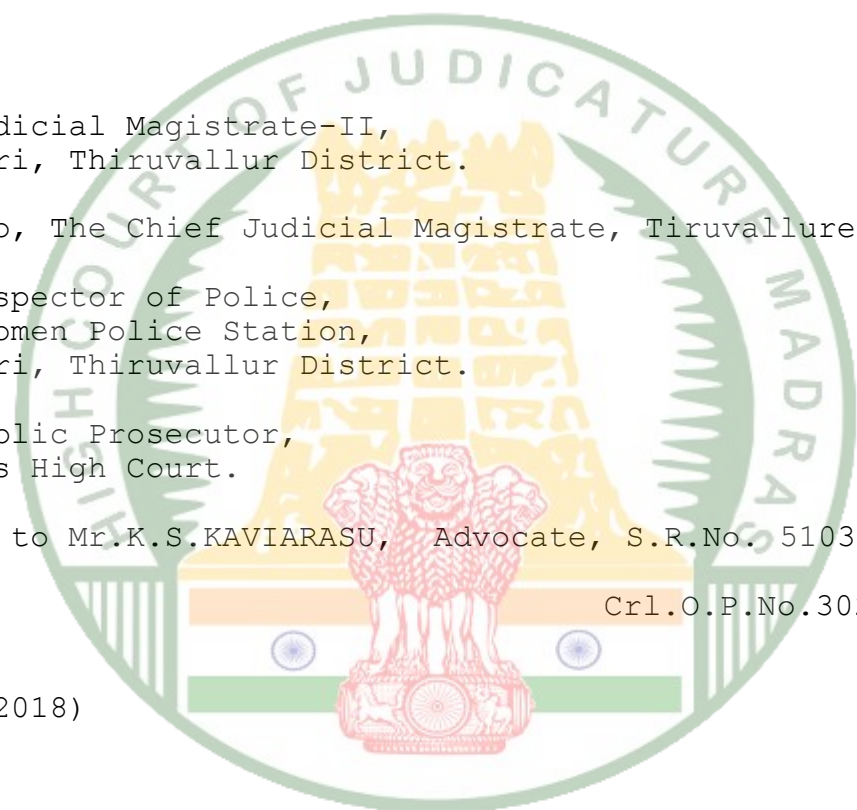
To

1. The Judicial Magistrate-II,
Ponneri, Thiruvallur District.
2. Do Thro, The Chief Judicial Magistrate, Tiruvallure.
3. The Inspector of Police,
All Women Police Station,
Ponneri, Thiruvallur District.
4. The Public Prosecutor,
Madras High Court.

+1cc to Mr.K.S.KAVIARASU, Advocate, S.R.No. 51035

Crl.O.P.No.30279 of 2015

SKV(CO)
TR(20/08/2018)

The seal of the Madras High Court is a circular emblem. It features a central golden temple gopuram (tower) with a red lion capital of Ashoka in front of it. The words "HONORABLE CHIEF JUSTICE" are written in a semi-circle above the gopuram, and "MADRAS HIGH COURT" is written in a semi-circle below it. At the bottom, the motto "सत्यमेव जयते" (Satyameva Jayate) is inscribed in Devanagari script.

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