

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.07.2018

Coram:

The Honourable Mrs. Justice R. HEMALATHA

Crl.O.P.No.4520 of 2015
and
M.P.No.1 of 2015

Ms.S.Mercy

...Petitioner

Versus

- 1.The Inspector of Police,
All Women Police Station,
Thudiyalur,
Coimbatore.1st Respondent/Complainant
- 2.Shoba2nd Respondent/Defacto Complainant

This Criminal Original Petition is filed under Section 482 Criminal Procedure Code praying to call for the records pertaining to the proceedings in C.C.No.27 of 2014 on the file of Additional Mahila Court, Coimbatore and quash the same.

For Petitioner : Mr.A.Thiyagarajan

For Respondent - 1 : Mr.T.Shunmugarajeswaran,
Govt. Advocate (Crl. Side)

Respondent - 2 : No Appearance

ORDER

The petitioner is arrayed as accused 5 in C.C.No.27 of 2014 on the file of the Additional Mahila Court, Coimbatore.

2. The second respondent/defacto complainant had lodged a complaint dated 31.12.2013 with the Inspector of Police, All Women Police Station, Thudiyalur against eleven accused including the petitioner herein contending that her husband and her family members demanded dowry of Rs.50,00,000/- and also criminally intimidated her. Based on this complaint, the Inspector of Police, All Women Police Station, Thudiyalur registered FIR in Crime No.70 of 2013 of All Women Police Station, Coimbatore District. Subsequently, after completing investigation, the Inspector of Police, All Women Police Station, Thudiyalur filed a final report dated 09.03.2014 before the Additional Mahila Court, Coimbatore against eleven accused for the alleged offences punishable under Sections 498(A) & 506

<https://hcservices.courts.gov.in/hcservices/>

(1) of I.P.C.

3. In the present petition, the petitioner (A5) has

contended that she was born on 14.12.1995 and that the Inspector of Police, All Women Police Station, Thudiyalur has filed a final report against her, though she has not committed any offence. She has therefore contended that the entire proceedings in C.C.No.27 of 2014 on the file of the Additional Mahila Court, Coimbatore should be quashed.

4. Mr.A.Thiyagarajan, the learned counsel appearing for the petitioner drew the attention of this Court to the Higher Secondary School Certificate of the petitioner and contended that the date of birth of the present petitioner is 14.12.1995 and that on the date of alleged occurrence, she has not completed eighteen years of age and that the Inspector of Police has filed a final report mentioning her age as nineteen years. He would also contend that the final report which includes statements recorded under Section 161(3) of Cr.P.C does not disclose any offence as far as the present petitioner is concerned.

5. In the final report filed by the Inspector of Police, All Women Police Station, Thudiyalur, it is alleged that the husband of the defacto complainant was living happily with A5 and that her husband and her family members demanded dowry of Rs.50,00,000/- from her. The petitioner is the sister's daughter of A1 (husband of the defacto complainant) and the address of A5 is mentioned as Ramji Apartments, Shivaji Nagar, Idayarpalayam, Coimbatore whereas the address of A1 to A3 is Rajalakshmi Apartments, B-Block, Rajalakshmi Colony, TVS Nagar, Idayarpalayam, Coimbatore District.

5. A perusal of the entire records shows that nowhere in the final report, it is mentioned that petitioner (A5) demanded dowry from second respondent/defacto complainant or that she criminally intimidated her (second respondent/defacto complainant). The allegations in the FIR and the final report as far as the present petitioner is concerned, are vague and therefore, the proceedings in C.C.No.27 of 2014 on the file of the Additional Mahila Court, Coimbatore is liable to be quashed, as regards the petitioner (A5). The learned Additional Mahila Court, Coimbatore is directed to proceed further and with regard to the other accused in C.C.No.27 of 2014 and dispose of the same as expeditiously as possible.

6. In the result, C.C.No.27 of 2014 on the file of the Additional Mahila Court, Coimbatore is quashed as regards the present petitioner alone. With the above observation, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

To

1.The Additional Mahila Court,
Coimbatore

2.The Inspector of Police,
All women Police Station,
Thudiyalur, Coimbatore

3.The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.A.Thiyagarajan, Advocate, S.R.No.45928

Crl.O.P.No.4520 of 2015

NRL(CO)
SMI/06.08.2018



WEB COPY