

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2018

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.13420 of 2018
and Crl.M.P.Nos.7044 and 7045 of 2018

1.A.Anand Kumar
2.A.Indrani
3.D.Rathi Devi
4.A.Muthukumar
5.A.Rathinakumar

...Petitioners

Vs.

1.State rep. by
Inspector of Police
W-30, All Women Police Station
Poonamallee, Chennai 600 056.

2.S.Chitra

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records pertaining to charge sheet filed in C.C.No.345 of 2017 on the file of the District Munsif-Cum-Judicial Magistrate, Sriperumbudur, Kancheepuram District and quash the same.

For Petitioners : Mr.T.Sundaravadanam

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

For R2 : Mr.J.Nandagopal

O R D E R

This criminal original petition has been filed to call for the records pertaining to charge sheet filed in C.C.No.345 of 2017 on the file of the District Munsif-Cum-Judicial Magistrate, Sriperumbudur, Kancheepuram District and quash the same.

2. Anand Kumar [A1] got married to Chitra, the de facto complainant on 29.06.2014 and their marriage ran into rough weather, resulting in the spouses getting estranged. On the

complaint lodged by Chitra, the respondent police registered a case in Cr.No.2 of 2017 and after completing the investigation, have filed a charge sheet in C.C.No.345 of 2017 before the District Munsif-cum-Judicial Magistrate, Sriperumbudur for the offences under Sections 498-A, 406 IPC and Section 4 of the Dowry Prohibition Act read with Section 109 IPC against Anand Kumar [A1], his mother A.Indrani [A2], his sister D.Rathi Devi [A3] and his brothers A.Muthukumar [A4] and A.Rathinakumar [A5], for quashing which, all the accused have filed the present quash application.

3. Heard Mr.T.Sundaravadanam, learned counsel for the accused, Mrs.Kritika Kamal, P., learned Government Advocate [Crl.Side] for the second respondent-State and Mr.J.Nandagopal, learned counsel for the de facto complainant.

4. On a reading of the charge sheet, FIR and Section 161(3) Cr.P.C. statement of the witnesses, it is seen that there are serious allegations as against Anand Kumar [A1] and Indrani [A2], inasmuch as, the de facto complainant has given specific instances of ill-treatment meted out to her by them. The de facto complainant stated that Indrani [A2] demanded a washing machine and an air conditioner. As regards Rathi Devi [A3], the de facto complainant herself has stated that the former was married and was living separately and that she used to come during the week ends and join hands with Indrani [A2] to taunt her. As regards A.Muthukumar [A4] and A.Rathinakumar [A5], the allegations are indeed very general and vague. In Arnesh Kumar Vs State of Bihar and another [2014] 8 SCC 273, the Supreme Court has noticed the tendency of the complainants in implicating all the members of the husband's family, including married daughters and brothers.

In such view of the matter, the prosecution as against D.Rathi Devi [A3], A.Muthukumar [A4] and A.Rathinakumar [A5] in C.C.No.345 of 2017 on the file of the District Munsif-cum-Judicial Magistrate court, Sriperumbudur, is hereby quashed. Since there are prima facie materials as against Anand Kumar [A1] and Indrani [A2] for framing charge against them, this petition stands dismissed as against them. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

gms

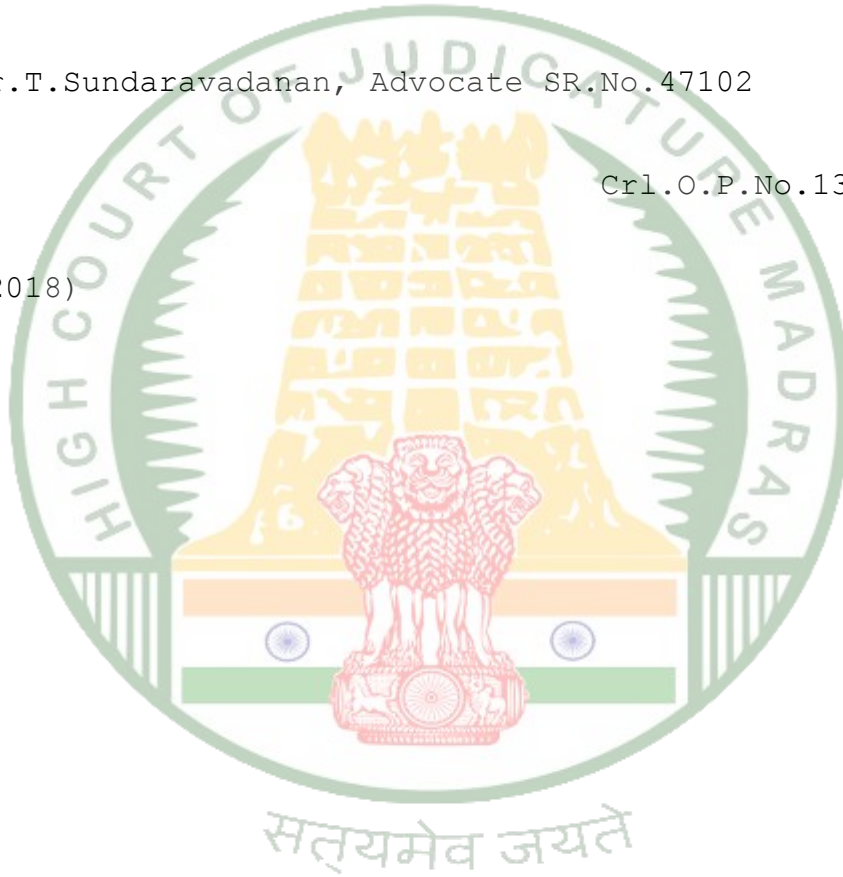
To

- 1.The Inspector of Police
W-30, All Women Police Station
Poonamallee, Chennai 600 056.
- 2.The District Munsif-Cum-Judicial Magistrate,
Sriperumbudur, Kancheepuram District
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Sundaravadanan, Advocate SR.No.47102

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PA(CO)
GN(07/08/2018)



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