

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.27679 of 2016
and
Crl.M.P.Nos.14164, 14165 of 2016
& Crl.M.P.No.15749 of 2017

1.S.Anandbabu
2.Vijayakumari
3.Saravanan
4.Revathi
5.Magesh

.... Petitioners

vs.

1. State by
Inspector of Police,
All Women Police Station,
Tiruvallur - 602 001
Tiruvallur District.

2. V.Rajalakshmi

.... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the records of charge sheet pending in C.C.No.119 of 2016 in Crime No.10 of 2015 on the file of Judicial Magistrate - I, Court at Tiruvallur, Tiruvallur District and to quash the charge sheet.

For petitioners:Mr.Ravichandran
for Mr.M.Balasubramanian

For Respondents:Mrs.Kritika Kamal.P.

Government Advocate (Crl. Side) for R1
:Mr.D.Ashok Kumar for R2

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O R D E R

This Criminal Original Petition has been filed seeking to call for the records of the charge sheet pending in C.C.No.119 of 2016 in Crime No.10 of 2015 on the file of the Judicial Magistrate Court No.1, Tiruvallur District.

2. S.Anand Babu married Rajalakshmi on 03.12.2014 and their marriage ran into rough weather. On the complaint lodged by Rajalakshmi, the first respondent police registered a case in

Crime No.10 of 2015 and after completing the investigation, have filed a charge sheet in C.C.No.119 of 2016 under Sections 498-A and 406 IPC against Anand Babu (A1), Vijaya Kumari (A2), Saravanan (A3), Revathi (A4) and Mahesh Babu (A5), challenging which, the accused are before this Court.

3. Heard Mr.Ravichandran, learned counsel for the accused, Mrs.Kritika Kamal.P, learned Government Advocate (Crl. Side) for the first respondent and Mr.D.Ashok Kumar, learned counsel for the second respondent.

4. It is the case of the de facto complainant that her father had died and that it was her brother who had arranged for her marriage with A1 and had performed their marriage with great difficulty. It is the further case of the de facto complainant that her husband was working in C.T.S and that she is living in the joint family house. It is specifically alleged by the de facto complainant that Revathy (A4/Sister-in-law) who got married, and living in the nearby locality, would spend most of her time in the matrimonial home of the de facto complainant; that she wanted Rs.6,00,000/- for constructing a house and that Revathy (A4) & Vijaya Kumari (A2) were constantly throwing tantrums on the de facto complainant and asking her to bring money; that on 16.02.2015, when A1 and A3 were away, the de facto complainant was harassed by A2 and A4 by demanding Rs.6,00,000/-; that A2 threw a dosa on the de facto complainant and it fell down; that when the de facto complainant put the dosa in the dust bin, she was abused and forcibly asked to eat the said dosa; that when the de facto complainant informed all these cruelty to her husband, he told her that he was in love with one girl and since his parents forced him to accept the marriage with the de facto complainant, he had married the de facto complainant and therefore, the de facto complainant should listen to whatever his mother and sister say.

5. Mr.Ravichandran, learned counsel for the accused contended that there is no prima facie case against the accused and hence, the prosecution has to be quashed.

6. Explanation b to Section 498-A of IPC, reads as follows:
"(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand."

7. A reading of the above provision clearly shows that harassment has been meted out to the de facto complainant by A2 & A4 by forcing her to succumb to their illegal demand of Rs.6,00,000/-. When this was brought to the notice of A1, he did not understand the

de facto complainant, but, instead, told her to implicitly obey the demands of his mother and sister.

8. The learned counsel for the de facto complainant submitted that there are sufficient materials against the accused for framing charges.

9. This Court is unable to accept the submission of the learned counsel for the de facto complainant inasmuch as there is no serious allegation as against Saravanan (A3/father of A1) and Magesh Babu (A5 / brother of A1). Thus, in the opinion of this Court, the prosecution against A3 and A5 deserves to be quashed and it is accordingly, quashed.

10. In the result, this petition is partly allowed. The proceedings in C.C.No.119 of 2016 on the file of the Judicial Magistrate Court No.I, Tiruvallur is quashed as regards Saravanan (A3) and Magesh Babu (A5) alone and the proceedings shall go in respect of the other accused. The trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order. The accused shall cross-examine the witnesses on the same day they are examined in chief, as held by the Supreme Court in Vinoth Kumar vs. State of Punjab [2015(1) MLJ (Cr1) 288]. If any of the accused absconds, a fresh FIR can be registered against him/her under Section 229-A IPC. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

dh/mk

To

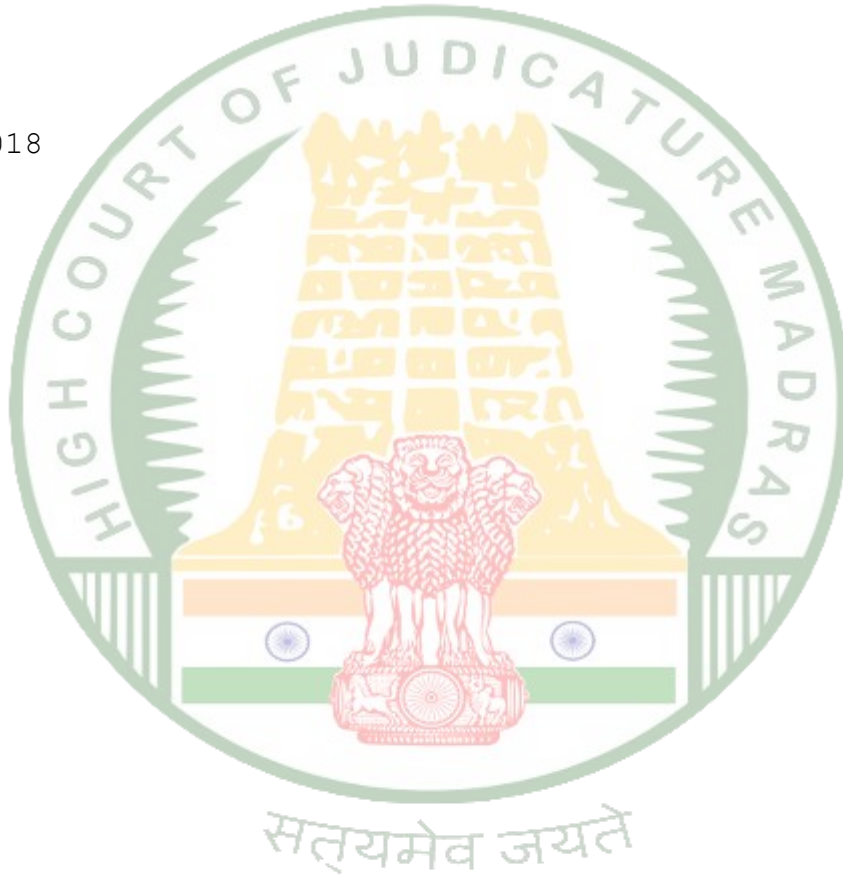
1. The Judicial Magistrate No- I,
Judicial Magistrate Court No.1,
Tiruvallur, Tiruvallur District.
2. The Inspector of Police,
All Women Police Station,
Tiruvallur - 602 001
Tiruvallur District.

3. The Government Advocate (Crl. Side),
High Court of Madras,
Chennai 600 104.

+2 ccs to Mr.M.Balasubramanian Advocate sr 26076
+1 cc to Mr.D.Ashok kumar Advocate sr 25798

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