



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD).No.3081 of 2015
and
M.P(MD).No.2 of 2015

Dhanalakshmi ...Petitioner/Accused No.2

Vs.

1.The Inspector of Police
All Women Police Station
Aruppukottai
Virudhunagar District ...1st Respondent/Complainant

2.Solaipriya ...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the impugned charge sheet in C.C.No.52 of 2015 on the file of the learned Judicial Magistrate, Aruppukottai and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.V.Sasikumar

For R1 : Mr.V.Neelakandan
Additional Public Prosecutor

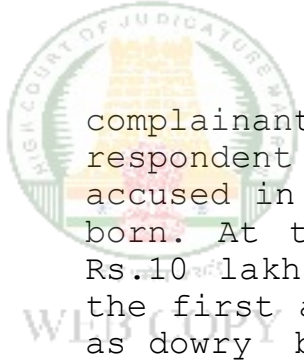
For R2 : No appearance

O R D E R

The criminal original petition has been filed to quash the charge in C.C.No.52 of 2015 on the file of the learned Judicial Magistrate, Aruppukottai, wherein taken cognizance for the offences under Sections 498(A), 506(i), 323 I.P.C r/w Section 4 of Dowry Prohibition Act.

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

2.The case of the prosecution is that the defacto



complainant/second respondent lodged a complaint before the respondent police, stating that she got married with the first accused in the year 2007. Through their wedlock, a female child was born. At that time, 100 sovereign jewels and a house worth about Rs.10 lakhs were presented to defacto complainant's husband viz., the first accused. Thereafter, due to further demand of Rs.10 lakhs as dowry by the first accused, the second respondent was driven out from the matrimonial house. Thereafter, the first accused is living together with the present petitioner herein, viz., Accused No.2. When the defacto complainant/ second respondent questioned the same, the first and second accused abused the defacto complainant with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that absolutely there is no allegation in respect of the cruelty made by her as against the petitioner. In so far as the offence under Section 506(i) I.P.C, is baseless and vague allegation as against the petitioner. Further, he contended that even as per the statement recorded under Section 161(3) Cr.P.C, there is a vague allegation in respect of threatening the defacto complainant at the time of entering into the matrimonial house. Though the above said offences were charged as against the petitioner, there is no evidence to show that the first accused and the petitioner/second accused are living together. Further, the petitioner is working in the Collectorate Office at Virudhunagar District and the first accused is living in somewhere else. Therefore, there is absolutely no connection between the first and second accused.

4.Though notice was served to the second respondent, no one was appeared on behalf of the second respondent. Therefore, her name was printed in the cause list. Even then, she is not appeared today.

5.Admittedly, there is no allegation against the petitioner to attract the offences under Sections 498(A) and Section 4 of Tamil Nadu Dowry Prohibition Act as against the petitioner herein. Though the crime has been registered for the offences under Sections 498 (A), 323, 506(i) I.P.C r/w Section 4 of Tamil Nadu Dowry Prohibition Act, in respect of the charge for the offence under Section 506(i) I.P.C, it is seen from the statement of witness that on 18.11.2013 at about 9.00 a.m when the defacto complainant/ second respondent and her father were trying to enter into the matrimonial home, viz., house of the first accused herein, the first accused and the petitioner threatened her with dire consequences. Except this allegation, there are no other allegations from the statement of other witnesses. It is also seen that the petitioner is working in the Collectorate office at Virudhunagar as Assistant and the first accused is working in somewhere else. Further, the petitioner is a widow and as such any one can easily foisted allegation that she is living with another male person.

6.therefore, considering the facts and circumstances, the criminal proceedings in C.C.No.52 of 2015 on the file of the



Judicial Magistrate, Aruppukkottai is quashed as against the petitioner alone. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (WRITS)

Sub Assistant Registrar (CS-I)

To

1. The Inspector of Police
All Women Police Station
Aruppukkottai
Virudhunagar District
2. The Judicial Magistrate,
Aruppukkottai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.V.Sasikumar, Advocate in sr.no.84201.

MSA
DS SKN SAR-1 10.10.2018 3P/5C

Cr1.O.P. (MD) .No.3081 of 2015
and
M.P (MD) .No.2 of 2015
12.09.2018