



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) No.6299 of 2018

K.S.S.Raj

: Petitioner

Vs.

1.A.Muthumari

2.Superintendent of Police (S.P),
Madurai District, K.Puthur,
Madurai-625007.

3.Inspector of Police,
All Women Police Station,
Thiruparankundram
Madurai-625005.

4.Social Welfare Officer,
District Social Welfare Office,
K.K.Nagar, Madurai-625020.

: Respondents

PRAYER: Criminal Original Petition filed under Section 482&357 Cr.P.C., to call for the records pertaining to the dowry harassment complaint dated 22.10.2009 given by the first respondent on the file of the third respondent and quash the same and direct the respondents to pay the compensation amount of Rs.2,00,000/- (two lakh rupees) to the petitioner for the harassment, mental agony went through by the petitioner for these many years and the litigation cost.

For Petitioner : Mr.K.S.S.Raj
(petitioner in person)

For R1 : Mr.K.Gokul

For R2 to R4 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the dowry harassment complaint, dated 22.10.2009 given by the first respondent and to quash the same and consequently, direct the first respondent to pay the compensation to the petitioner for the harassment undergone by the petitioner and also litigation costs.

2.The petitioner has appeared in person before this Court. The crux of the case of the petitioner is that there was matrimonial dispute between the first respondent and the brother of the petitioner. In the said dispute, the first respondent had given



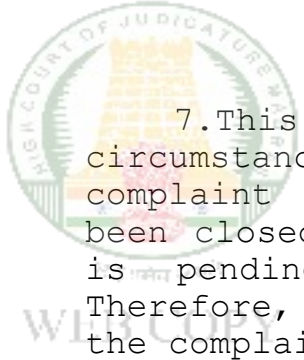
complaint on 22.10.2009 to the second respondent against her husband and also all the family members of the petitioner and the same was forwarded by the second respondent to the third respondent, who conducted the enquiry on the dowry harassment complaint. The third respondent, in turn has forwarded the complaint to the fourth respondent and the fourth respondent conducted an enquiry and the father of the petitioner attended the enquiry. The grievance of the petitioner is that all these enquires based on the dowry harassment complaint, have been conducted even without assigning C.S.R.number to the same. The petitioner further submitted that the third and fourth respondents do not have jurisdiction to conduct such enquiry since the first respondent and her husband had stayed in the matrimonial home at Chennai from June 2007 till first week of May 2008.

3.The petitioner further submitted that the first respondent has also filed domestic violence application before the learned Judicial Magistrate No.II, Madurai against her husband and his family members. The first respondent had specifically stated that the first respondent gave a complaint before the Police and the same was referred to the Social Welfare Officer and now the case is pending before the Social Welfare Officer. This statement was made by the first respondent in D.V.O.P. proceedings, which was initiated by her in the year 2010 and the same was re-numbered as M.C.No.76 of 2014.

4.According to the petitioner, the statement made by the first respondent is false and no dowry harassment case was pending in the Court, when such statement was made by the first respondent in the D.V.O.P. proceedings. The petitioner, therefore, submitted that a false dowry harassment complaint has been given by the first respondent against the petitioner and his family members in the year 2009 as a result of which, untold mental agony and hardship were caused to the petitioner and his family members. Therefore, the present Criminal Original Petition has been filed for the aforesaid relief.

5.The learned Government Advocate (Crl.side) appearing for the respondent Nos.2 to 4 submitted that it is true that a complaint was given by the first respondent on 22.10.2009 and the same was also forwarded to the fourth respondent. Subsequently, the complaint was closed on 10.10.2010. Therefore, he submitted that in view of the closure of the complaint, the same may be recorded and no further orders need to be passed in this petition.

6.The learned counsel appearing for the first respondent would submit that the entire dispute between herself and her husband was already over and all the proceedings have been withdrawn by the first respondent and hence she has no intention to cause mental agony to any one.



7.This Court has taken into consideration the facts and circumstances of the case and the subsequent development where the complaint dated 22.10.2009 preferred by the first respondent has been closed by the third respondent on 10.10.2010 and no complaint is pending against the petitioner and his family members. Therefore, no further orders are required to be passed insofar as the complaint dated 22.10.2009 is concerned.

8.Insofar as the compensation as claimed by the petitioner, this Court cannot decide the same exercising its jurisdiction under Section 482 Cr.P.C. If the petitioner feels that the entire allegations have resulted in malicious prosecution, it is left open to the petitioner to initiate appropriate proceedings before appropriate forum in accordance with law.

9.This Criminal Original Petition is closed, with the above directions.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Judicial Magistrate II,
Madurai.
2. Superintendent of Police (S.P),
Madurai District, K.Puthur,
Madurai-625007.
3. Inspector of Police,
All Women Police Station,
Thiruparankundram
Madurai-625005.
4. The Social Welfare Officer,
District Social Welfare Office,
K.K.Nagar, Madurai625020.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.K.S.S.Raj Party in person Sr.No.80828.

GNS

DS/SKN/SAR-2 :30.08.2018: 3P/7C

Cr1.O.P. (MD) No.6299 of 2018
28.08.2018