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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.09.2018
CORAM:
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
Crl.OP[MD]Nos.11980 of 2011 and 5787 of 2014
and
Crl.M.P.(MD)No.1 of 2011 and 7852 of 2017

1.Alaguraja
2.Thavasi
3.Poomayil ... Petitioners/Accused 1 to 3
in Crl.O.P.(MD)No.11980 of 2011

Ganesan ... 1st petitioner/Accused 4
in Crl.O.P.(MD)No.5787 of 2014

Vs.

1.The State represented by
The Deputy Superintendent of Police,
CBCID, Madurai Region,
Madurai.

2.The Inspector of Police,
Kamuthi Police Station,
Ramanthapuram District.
(Crime No.1 of 2010)

3.V.Pandi ... Respondents in both Crl.O.Ps.

COMMON PRAYER: Petitions filed under Section 482 of Cr.P.C, to call for the records and quash the charge sheet in P.R.C.No.11 of 2011 on the file of the Judicial Magistrate No.II, Ramanathapuram.

For Petitioners : Mr.T.Palanisamy (in Crl.Op.5787/14)

For Petitioners 1 to 3 : Mr.G.Karnan (in Crl.Op.11980/11

For R1 & R2 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.side)
For R3 : Mr.Sulthan Basha for Ajmal
(For both Crl.O.Ps.) Associates

COMMON ORDER

These petitions have been filed to quash the proceedings in P.R.C.No.11 of 2011 on the file of the Judicial Magistrate No.II, Ramanthapuram.

2.The respondent police filed a charge sheet in Crime No.1 of 2011 for the offence under Sections 306, 498A and 304 (B) of I.P.C against the petitioners. The petitioners arrayed as A1 to A3.

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3.The learned counsel for the petitioners would submit that the ingredients of the said offences are not made out as against the petitioners as alleged by the prosecution. Further, he would contend that there is absolutely no demand of dowry and it would not be said that the deceased was harassing because of demand of dowry by the petitioners. Further, the deceased committed suicide in her house and the reason for the death has to be explained and the petitioners are not responsible. Therefore, they sought for quashment of the criminal proceedings pending in P.R.C.No.11 of 2011 on the file of the Judicial Magistrate No.II, Ramanthapuram.

4.The learned counsel for the second respondent would submit that all the ingredients of the charges are clearly made out as against the petitioners. The petitioners are none other than the husband, father-in-law and mother-in-law of the deceased. There are specific allegations against the petitioners and as such, the quash petition is nothing but to protect the proceedings and therefore, he sought for dismissal of the quash petition.

5.The learned Additional Public Prosecutor for the respondents contended that the case has been pending for committal on the file of the Judicial Magistrate No.II, Ramanathapuram in P.R.C stage. He would further contend that the petitioners are the main accused in this case and therefore, he sought for dismissal of the quash petition.

6.It is seen from the charge itself that the first accused was presented during the marriage about 55 sovereign of jewels and other sethanas. They lived with the second and third accused/second and third petitioners together after the marriage. Thereafter, they demanded further dowry for the expenses occurred during the marriage and also they compelled the deceased to hand over all the jewels to them. Therefore, they harassed the deceased and as such, she committed suicide on 02.01.2010. She has also written suicide note and stated that the reason for the death is only due to the harassment of the petitioners herein. Therefore, there is an incriminating evidence as against the petitioners and as such, this Court is not inclined to quash the proceedings. There is no merit to entertain this petition to quash the charge sheet since the points raised by the petitioners have to be established during the trial. Therefore, these criminal original petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar(CS-IV)

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To

1.The Deputy Superintendent of Police,
CBCID, Madurai Region,
Madurai.

2.The Inspector of Police,
Kamuthi Police Station,
Ramanthapuram District.

3.The Judicial Magistrate No.II, Ramanathapuram.

COPY TO
The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC To MR.AJMAL ASSOCIATES, Advocate SR. NO.86680
+1 CC To MR.G.KARNAN, Advocate SR. NO.86716
+1 CC To MR.T.PALANI SAMY, Advocate SR. NO. 86715

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