



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

Crl.O.P.(MD)No.15463 of 2011

and

M.P.(MD)Nos.1 and 2 of 2011

N.Sivaneswari

...Petitioner/A-4

-Vs-

1. The State Rep.by,
The Inspector of Police,
All Women Police Station,
Devakottai.

..respondent/complainant

2. Usha

..2nd respondent/defacto
complainant

PRAYER: Criminal Original petition - filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.144 of 2011 on the file of the learned Judicial Magistrate, Devakottai and quash the same.

For Petitioner : Mr.V.Krishnamoorthy

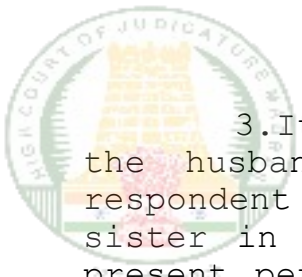
For 1st Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For 2nd Respondent : Mr.P.Kalaiyarasi Bharathi

ORDER

The second respondent / defacto complainant namely, Usha got married with one Senthil Kumar on 27.01.2010. A female child was born of the wedlock. The defacto complainant and the Senthil kumar have separated in the year 2011, itself. It appears that the matrimonial proceedings were instituted on either side. The defacto complainant was awarded with maintenance by the Trial Magistrate. But on the other hand, the Divorce petition filed by Senthil Kumar was dismissed for default.

2.In the meanwhile, the defacto complainant has given a dowry complaint, which was registered in Crime No.13 of 2010 on the file of the Inspector of Police, All Women Police Station, Devakottai. The Investigating Officer conducted investigation and filed a final report, which was taken on file in C.C.No.144 of 2011. As many as, four persons have been shown as accused in the said case. The first accused is the husband of the second respondent herein, while the second accused is the father in law and the third accused is the mother in law of the second respondent herein. The fourth accused is the sister in law of the second respondent.



3.It is seen that the primary allegations are only against the husband, father in law and mother in law of the second respondent viz., first to third accused. The fourth accused / sister in law of the second respondent is the petitioner in this present petition. It is seen that she is a practicing lawyer and since the primary allegations are against the first three accused, this Court is of the view that the interest of justice would be better served by directing accused Nos.1 to 3 alone to face the proceedings.

4.Therefore, in this view of the matter, the proceedings, as far as the petitioner herein is concerned, stand quashed. The learned Judicial Magistrate, Devakottai is directed to expedite the trial and conclude the entire proceedings within a period of four months from the date of receipt of a copy of this order.

5.With this direction, this Criminal Original Petition is allowed. It is made clear that the remaining accused shall not be entitled to take advantage of the order quashing the proceedings insofar as the sister in law is concerned . The trial Magistrate shall decide the matter without being influenced by this order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Inspector of Police,
All Women Police Station,
Devakottai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.P.Kalaiyarasi Bharathi, Advocate Sr.No.71435

+1cc to Mr.K.P.S.Palanivel Rajan, Advocate Sr.No.71658

TA

VB/SV/SAR4/26.07.2018/2P/5C

Cr1.O.P. (MD) No.15463 of 2011
05.07.2018