



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

CRL.O.P (MD) No.9887 of 2013

and

M.P. (MD) No.1 of 2013

WEB COPY

1.Muthu Raja

2.Murugan

3.Nachammal

4.Anjugam

Nos.1 to 4

... Petitioners/Accused

Vs.

Radhika

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the private complaint in C.C.No.20 of 2013 on the file of the learned Judicial Magistrate Court No.I, Sivagangai and quash the same.

For Petitioners : Mr.R.Karunanidhi

For Respondent : No appearance

O R D E R

The learned counsel representing the petitioners is present and submitted their case today. The learned counsel appearing for the respondent is not present. The petitioners are arrayed as Accused Nos.1 to 4 in C.C.No.20 of 2013, pending on the file of Judicial Magistrate No.I, Sivagangai. The respondent herein is the complainant in C.C.No.20 of 2013, pending on the file of Judicial Magistrate Court No.I, Sivagangai.

2.Factually, the first petitioner herein is the husband of the respondent and the second petitioner is the mother of the first petitioner further the third and fourth petitioners are the sisters of the first petitioner. On 12.12.2012, the marriage of the first petitioner and the respondent was solemnized at Karaikudi. Thereafter, due to dispute arose in the matrimonial life, on 25.02.2011, the respondent herein lodged a complaint before the Sub Inspector of Police, Alangulam Police Station, Sivagangai, in which, she made an allegation against the first petitioner that he harassed her and demanded more dowry. The said application was forwarded to the Social Welfare Officer and after making enquiry, the Social Welfare Officer vide Letter in Na.Ka.No.611/A4/2011, dated 25.05.2011, submitted a report that only due to the unwillingness of the respondent, she left out the matrimonial home. In the report submitted by the Social Welfare Officer he had mentioned that there was no allegation in respect of demanding dowry.



3. After completion of the above proceedings, the first petitioner herein filed a petition before the Sub Court, Sivagangai, in H.M.O.P.No.138 of 2012, in which, he prayed for the relief of restitution of conjugal rights. So, the proceedings initiated by the first petitioner shows that he is always willing to join with the respondent. While the proceedings are pending, on 08.04.2013, the properties, which were given to the petitioner as "Sreethana" were all returned to the respondent in the presence of witnesses. Subsequently, since the police officers refused to register the case, the respondent herein lodged a private complaint against the petitioners for the offence under Sections 498(A) 406, and 506(ii) IPC.

4. So, the above transactions happened between the petitioners and the respondent, clearly prove the alleged offence was not happened as stated by the respondent. This Court came to the conclusion that lodging the case after getting report from the Social Welfare Officer is nothing but abuse of process of law. So, this Court is inclined to set aside the impugned proceedings. Accordingly, the proceedings in C.C.No.20 of 2013 on the file of the learned Judicial Magistrate Court No.I, Sivagangai, stands quashed. Consequently, this Criminal Original Petition is allowed. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To

The Judicial Magistrate No.I,
Sivagangai

+One cc to Mr.R.Karunanidhi, Advocate, SR.No.45754

ls/smn2

RL/3C/2P/SV/MMS/SAR2/20/2/2018

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