

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 20.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Criminal Original Petition No.18989 of 2013
and M.P.No.1 of 2013

1.S.Lalitha
2.Sethuraman
3.Ganesan
4.Maheswari ... Petitioners/Accused 2 to 5

... Vs ...

1.State
Rep. by the Inspector of Police
W.28, All Women Police Station
Ambattur, Chennai ...1st Respondent/Complainant

2.M.Saraswathi ...2nd Respondent/
Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to quash the complaint in C.C.No.171 of 2013 on the file of Judicial Magistrate, Ambattur.

For Petitioners : Mr.S.K.S.Karthik Raja

For Respondents : Mr.R.Ravichandran,
Govt.Advocate [Criminal Side]
for R1.

ORDER

Based on the complaint given by the defacto complainant/the 2nd respondent herein against the petitioners and A-1 before the 1st respondent, the 1st respondent registered a case against the petitioners and A-1 for the offence under Sections 498A and 506 (ii) of IPC and Section 4 of the Dowry Prohibition Act. After the investigation, the 1st respondent laid a charge sheet before

the learned Judicial Magistrate, Ambattur. The learned Magistrate taken cognizance of the charge in C.C.No.171 of 2013. During the pendency of the C.C.No.171 of 2013, the petitioners have approached this court to quash the proceedings in C.C.No.171 of 2013 on the file of Judicial Magistrate, Ambattur. The petitioners herein are arrayed as A-2 to A-5 in the FIR and charge sheet.

2. The learned counsel for the petitioners would submit that petitioners are only in-laws, husband is A-1. A-1 is not a party to this petition. Already, H.M.O.P., filed on the ground of nullity of marriage by A-1. The counter party/2nd respondent filed a false complaint against the husband and also against in-laws i.e., the present petitioners herein. Even the marriage itself is a forcible marriage, therefore, the subject matter of the marriage is pending before the competent court. Wife filed petition for restitution of conjugal rights in H.M.O.P.NO.604 of 2012. Husband filed petition in H.M.O.P.No.526 of 2012 for divorce on the ground of nullity of marriage and both petitions are pending.

3. Admittedly, the 2nd respondent is the wife. The 1st accused is the husband. Further, it is admitted that matrimonial disputes are pending before the competent court between the husband and wife. The 2nd respondent wife has preferred a complaint against the husband and the family members alleging that they are demanding huge dowry and also harassing her.

4. The learned counsel for the petitioners would submit that after filing petition for divorce by the husband, the 2nd respondent/wife has filed the complaint in order to take revenge and the petitioners herein are no way connected with the alleged offence.

5. A reading of the complaint and charge sheet shows that there is prima facie allegations against the petitioners. The relationship between the parties is not disputed. The 2nd respondent wife is residing in parental house and not disputed the matrimonial disputes pending between husband and wife. There are allegations of demand of dowry and harassment meted out. Whether all the petitioners herein are involved in the offence or not has to be decided only after trial. Therefore, under these circumstances, this court does not find any ground to quash the complaint in C.C.No.171 of 2013 as against the petitioners herein. There is no merit in the CrI.O.P.

Accordingly, this CrI.O.P., is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(JJ Act)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate, Ambattur.
2.-do-Thro The Chief Judicial Magistrate
Thiruvallur

3.The Inspector of Police
W-28 All Women Police Station
Ambattur Chennai

4.The Public Prosecutor
High Court Madras

+1 cc to Mr.K.S.Karthik Raja Advocate sr140

CrI.O.P.No.18989 of 2013

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