

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP.No.1500 of 2015
and Crl.M.P.Nos.1, 2 and 3 of 2015

M.S.Parvatham

...Petitioner

Vs.

State rep by
The Inspector of Police,
W-22, All Women Police Station,
Mylapore, Chennai-4

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the order dated 07.10.2014 in Crl.R.C.No. 10 of 2013 on the file of III Additional Sessions Judge, Chennai City confirming the order dated 18.01.2013 in Crl.M.P.No. 241 of 2013 on the file of 18th Metropolitan Magistrate, Saidapet and set aside the same and discharge the petitioner herein in C.C.No.3341 of 2011 on the file of respondent police.

For Petitioner : Mr.AR.L.Sundaresan
Senior Counsel for
M/s.AL.Gandhimathi

For Respondent : Mr.C.Raghavan
Government Advocate

ORDER

This petition has been filed challenging the order passed in Crl.R.C.No.10 of 2013 confirming the dismissal of the discharge petition made in Crl.M.P.No. 241 of 2013.

2. It is seen from records that the petitioner has been added as A4 in the final report and she is the mother-in-law of the defacto complainant. The Final Report has been filed for the offences under Section 498A, 506 (ii) of IPC r/w section 34 of IPC.

3. Mr.AR L.Sundaresan, the learned senior counsel appearing on behalf of the petitioner submitted that there are totally four accused persons in this case and the petitioner, who is the mother-in-law was added as A4 in the Final Report. The learned senior counsel further submitted that a perusal of the statement recorded from the defacto complainant would make it clear that there are no allegations to substantiate the offence under section 498A, 506 (ii) of IPC r/w section 34 of IPC as against this petitioner. The learned senior counsel further submitted that the entire proceedings is an abuse of process of court insofar as this petitioner is concerned.

4. The learned Government Advocate appearing on behalf of the respondent submitted that at the stage of framing of charges, a strong suspicion is enough and the material that is available on record makes out a strong suspicion against the petitioner and therefore, the petitioner has to necessarily face the trial and establish her defence.

5. This Court has carefully considered the submissions made on either side and also the materials available on record.

6. The most important material that has to be considered by this Court is the statement of LW1 in this case, who is the defacto complainant. The only allegation made against the petitioner is that this petitioner and the sister-in-law used to give ill-advice to the husband of the defacto complainant. The other allegations made against this petitioner does not satisfy the requirements of the term 'cruelty' found in Section 498A of IPC. The section itself makes it clear that the cruelty must be of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or or danger to life, limb or health (whether mental or physical) of the woman. Even though mental cruelty also falls as a component to attract the offence under section 498A of IPC, not every Act will satisfy the requirement, unless the mental cruelty is to such an extent as to cause grave injury to the victim wife.

7. The materials available on record does not satisfy these requirements and therefore, the proceedings against the petitioner who is the mother-in-law is an abuse of process of Court and the same requires interference by this Court in exercise of its Jurisdiction under section 482 of Cr.P.C.

8. In the result, the proceedings as against the petitioner in C.C.No. 3341 of 2011 is hereby quashed and this Criminal Original Petition is allowed. The Court below is directed to complete the proceedings in C.C.No. 3341 of 2011 as against the other accused persons within a period of three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

mpa/uma

To

1. The III Additional Sessions Judge,
Chennai.
 2. The XVIII Metropolitan Magistrate,
Saidapet, Chennai.
 3. The Inspector of Police
W-22, All Women Police Station,
Mylapore, Chennai-4.
 4. The Public Prosecutor,
High Court, Madras.
- +1 cc to M/s.AL.Gandhimathi, Advocate, S.R.No.45788

(CO)
SSM(19/06/2019)

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