

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.1687 of 2015
and Crl.M.P No.1 & 2 of 2015

1. Rajesh
2. Duraisamy @ Kutti
3. Pappathi
4. Saradha
5. Kavitha
6. Sampathkumar
7. Gowri
8. Baskaran

..Petitioner

vs.

1. The Inspector of Police,
All Women Police Station,
Mamallapuram,
Kanchipuram District.

2. Anbuselvi

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.34 of 2013 on the file Additional Mahila Court, Chengalpet, (C.C.No.98 of 2012 on the file of the Judicial Magistrate, Chengalpet) and quash the same.

For Petitioners : Mr.N.Suresh

For Respondents : Mr.C.Raghavan

Government Advocate for R1

No Appearance for R2

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.34 of 2013 pending on the file of the Additional Mahila Court, Chengalpet.

2. The respondent police filed the final report before the Court below against the petitioners for the offences under Sections 498(a), 406 and 506(i) IPC.

3. The 2nd respondent has been served with notice and the respondent does not appear either in person or through counsel. The name of the respondent has also been printed in the cause list. Therefore, this Court proceeds to deal with this case on merits.

4. The learned counsel for the petitioner submitted that the entire family members have been roped in this case based on some vague allegations made against them as if they demanded dowry.

The learned counsel submitted that the criminal proceedings as against A2 to A8 is an abuse of process of Court and the same requires interference of this Court. In order to substantiate his arguments, the learned counsel for the petitioner also read the 161 statement that was recorded from the defacto complainant.

5. The learned Government Advocate appearing on behalf of the respondent police submitted that the witnesses have spoken about the part played by the accused persons and there are materials to frame charges against the accused persons and the petitioners will have to establish their defence only before the Court below in the course of trial and there is no ground to interfere with the proceedings at this stage.

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

7. A careful reading of the final report and the statement recorded from the defacto complainant shows that there are sufficient allegations made against the 1st petitioner, who is the husband. Therefore, this Court is not inclined to interfere with the proceedings insofar as the 1st petitioner is concerned.

8. The petitioners 2 to 8 are in-laws of the 2nd respondent. The only allegations that is available against these petitioners is that they have informed the defacto complainant over phone to bring money and gold and only then she will be permitted to peacefully live with her husband. Apart from this allegation, there is no other allegation that is available against the petitioners 2 to 8.

9. This Court recalls the judgment of the Hon'ble Supreme Court of India in the case of Ramesh and others vs. State of Tamil Nadu reported in 2005 SCC (Cri) 735 and in the case of Rajesh Sharma and others vs. State of Uttar Pradesh and another reported in (2017) 3 MLJ (Cri) 602 (SC) which was subsequently considered by a Bar & Bench. Social Action Forum for Manav Adhikar and Another vs. Union of India Ministry of Law and Justice and Others reported in (2018) 4 MLJ (Cri) 426 (SC) wherein the Hon'ble Supreme Court deprecated the practice of roping in the in-laws as an accused in all cases involving an offence under Section 498(A) IPC.

10. In this case, except for some vague allegations made against the petitioners 2 to 8, there are absolutely no materials to show that the in-laws had in any way acted with cruelty against the defacto complainant or have misappropriated the movable properties belonging to the defacto complainant. This is yet another case where the in-laws have been unnecessarily roped in as an accused and are made to face a criminal prosecution. The proceedings as against petitioners 2 to 8 is an abuse of process of Court and the same requires interference of this Court in exercise of its jurisdiction under

11. In the result, the proceedings in C.C.No.34 of 2013, pending on the file of the Additional Mahila Court, Chengalpet is hereby quashed insofar as the petitioners 2 to 8 are concerned. This petition is allowed insofar as the petitioners 2 to 8 are concerned and dismissed insofar the 1st petitioner is concerned.

12. The Court below is directed to proceed further with the trial as against the 1st petitioner (A1) and complete the proceedings within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Additional Mahila Court
(Judicial Magistrate)Chengalpet.
2. -Do-Thro' The Chief Judicial Magistrate,
Chengalpattu.
3. The Inspector of Police,
All Women Police Station,
Mamallapuram,
Kanchipuram District.
4. The Public Prosecutor,
High Court of Madras.

+1 cc to M/s.N.Suresh, Advocate Sr.No. 63752

Crl.O.P No.1687 of 2015
and Crl.M.P No.1 & 2 of 2015

AKM/ 29.08.19/ 3P-6C /

WEB COPY