

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.04.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4225 of 2019
and
Crl.M.P.Nos.2553 of 2019

1.Leela-A2
2.Lebora-A4
3.Rathna-A5

... Petitioners/Accused 2,4&5

Vs

1.The State,
Represented by the Inspector of Police,
W-19, All Women Police Station,
Adyar, Chennai - 20. ... 1st Respondent/Complainant

2.Arul Nisha
... 2nd Respondent/
Defacto Complainant

Prayer:

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code to call for the records pertaining to in C.C.No.128 of 2011 on the file of the learned Judicial Magistrate, Alandur and quash the same.

For Petitioners : M/s.A.Ramalingam
For Respondent-1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
For respondent-2 : Mr.S.Madhusudhanan

O R D E R

This Criminal Original Petition has been filed by the petitioners seeking to quash the proceedings C.C.No.128 of 2011 pending on the file of the learned Judicial Magistrate, Alandur, Chennai.

2. Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor for the first respondent, and the learned counsel for the 2nd respondent and also perused the materials available on record.

3. The first respondent police has registered a case in Crime No.2 of 2011 against the petitioners and two others for

the alleged offences under Sections 498-A, 406 and 506(i) IPC.

4. The case of the petitioners is that the first petitioner is the mother-in-law, the petitioner Nos.2 & 3 are the sister-in-laws of the defacto complainant. The 3rd accused is the father-in-law of the defacto complainant, who died on 07.08.2012. The 1st accused married the defacto complainant on 20.04.2009. The petitioners, who are mother-in-law and sister-in-laws are wrongly implicated in the case, based on the common and vague allegations made by the defacto complainant, even though no specific allegations are made out against them. The lodging of the complaint by the second respondent after a lapse of 20 days before the 1st respondent/police against these petitioners, is only an after-thought of the 2nd respondent with an ulterior motive and mala fide intention and only to harass these petitioners by instituting malicious criminal proceeding and for wreaking vengeance on those petitioners. Moreover, the first accused is now working in abroad. Hence, the petitioners seek to quash the proceedings in C.C.No.128 of 2011 pending on the file the learned Judicial Magistrate, Alandur, Chennai.

5. According to the petitioner the defacto complainant/2nd respondent lodged a complaint before the first respondent/police alleging that the marriage between the 1st petitioner's son Jegan Fernando/A1 and the second respondent was solemnized on 20.04.2009. From the wedlock a male child was born. After the marriage, the in-laws demanded money as dowry from the defacto complainant/2nd respondent herein and after receiving the amount of Rs.13,75,000/- from her family as dowry, the petitioners/in-laws tortured her and her child into starvation. Thereafter, the first respondent/police has filed a charge sheet against the petitioners in C.C.No.128 of 2011 before the learned Judicial Magistrate, Alandur, Chennai and the same is still pending.

6. The learned counsel appearing for the petitioner submitted that they have been falsely implicated in the present case and they never demanded any dowry as alleged by the defacto complainant. Further, the petitioners are aged persons.

7. The learned counsel appearing for the second respondent submitted that there are five accused in this case, in which the first accused is none other than the son of the second accused and Non Bailable Warrant is pending as against the first accused as he did not appear before the Trial Court. He would submit that since the first accused failed to appear before the Trial Court, the Trial Court had issued NBW and the same is still pending.

8. Considering the facts and circumstances of the case,

this Court is not inclined to entertain this petition and the same is dismissed. However, learned Judicial Magistrate, Alandur, Chennai, is directed to split up the case as against the petitioners and proceed with the trial in accordance with law within a period of three months from the date of receipt of a copy of this order. Consequently, connected CrI.M.P.Nos.2553 and 2555 of 2019 are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msm

To

1. The Judicial Magistrate, Alandur, Chennai.
2. The Public Prosecutor, High Court, Madras.

CrI.O.P.No.4225 of 2019

CSL/29.05.2019



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