

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10724 of 2019
and
Crl.M.P.Nos.5500 & 5503 of 2019

1.Punniyakodi
2.Sundari
3.Saravanan
4.Latha
5.Meena

.... Petitioners/Petitioners

Vs.

1.The Inspector of Police
All Women Police Station
Thirumangalam, Chennai
In Crime No.4 of 2017

.... 1st Respondent/Respondent

2.Vijayasri

.... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the entire records in S.C.No.316 of 2018 on the file of the Mahila Court, Chennai and quash the same.

For Petitioners : Mr.K.Balakrishnan

For RR1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioners under Section 482 Cr.P.C. to call for the entire records in S.C.No.316 of 2018 on the file of the Mahila Court, Chennai and quash the same.

2.The learned counsel for the petitioners would submit that the petitioners are the in-laws of the defacto complainant. The first marriage of the petitioners' son got dissolved and the marriage between their son and the 2nd respondent herein was took place on account of understanding with each other. The

petitioners' son and the 2nd respondent live separately from the date of marriage. The petitioners have no objection for their son and the 2nd respondent living together. The 2nd respondent never visited the house of the petitioners. There is no logic or reason in the complaint given by the complainant against the petitioners. The love, misunderstanding and dispute were only between their son and the 2nd respondent and the petitioners are no way connected with the complaint. The complaint lodged by the complainant is false, fabricated and frivolous. Hence, there is no question of demanding dowry and harassment. Accordingly, prays for appropriate relief.

3. Heard the learned counsel for the petitioners.

4. It is seen from the records that there is a discrepancy in the statement of the witnesses recorded but the same cannot be considered under Section 482 of Cr.P.C.

5. It is also relevant to rely upon the judgment of the Hon'ble Supreme Court of India passed in CrI.A.No.579 of 2019 dated 02.04.2019 in the case of Devendra Prasad Singh Vs. State of Bihar & Anr., as follows:-

"12. So far as the second ground is concerned, we are of the view that the High Court while hearing the application under Section 482 of the Cr.P.C. had no jurisdiction to appreciate the statement of the witnesses and record a finding that there were inconsistencies in their statements and, therefore, there was no prima facie case made out against respondent No.2. In our view, this could be done only in the trial while deciding the issues on the merits or/and by the Appellate Court while deciding the appeal arising out of the final order passed by the Trial Court but not in Section 482 Cr.P.C. Proceedings.

13. In view of the foregoing discussion, we allow the appeal, set aside the impugned order and restore the aforementioned complaint case to its original file for being proceeded with on merits in accordance with law.

6. Therefore, all the points raised before this Court shall be considered only at the time of trial. Hence, this Court is not inclined to quash the proceedings in S.C.No.316 of 2018 pending on the file of the Mahila Court at Chennai. Considering

the fact that the S.C.No.316 is pending from the year 2018, the learned Magistrate is hereby directed to complete the trial in S.C.No.316 of 2018 within a period of three months.

7.Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To.

1.The Mahila Court,
Chennai.

2.The Inspector of Police
All Women Police Station
Thirumangalam, Chennai
In Crime No.4 of 2017

3.Public Prosecutor
High Court of Madras

+lcc to Mr.K.Balakrishnan, Advocate sr.38959

CrI.O.P.No.10724 of 2019
and

CrI.M.P.Nos.5500 &
5503 of 2019

kj(co)
nr 18/06/2019

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