

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.11267 of 2017
and Crl.M.P.No.7410 of 2017

Subramani

... Petitioner/A6

vs.

1.State rep by: The Inspector of Police,
All Women Police Station,
Thudiayalur,
Coimbatore.

...1st Respondent/Complainant

2.Shoba

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records pertaining to the proceedings in C.C.No.27 of 2014, on the file of Additional Mahila Court (Magistrate level), Coimbatore and quash the same.

For Petitioner : M/s.B.Radhika

For Respondent :Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1
M/s.Elizabeth Ravi for R2

ORDER

This petition has been filed seeking to quash the proceedings in CC.C.No.27 of 2014, pending on the file of the Additional Mahila Court (Magistrate level), Coimbatore.

2. The final report has been filed as against the eleven accused persons and the petitioner has been ranked as A6.

3. The case of the prosecution is that the second respondent had married brother-in-law of the petitioner in the year 2012. There was a dispute among the parties. The defacto complainant is said to have been harassed by the brother in law

and his family members and based on the complaint given by the second respondent, an FIR came to be registered in Crime No.70 of 2013 and the same culminated in filing of a final report and the same was taken cognizance for offences under Section 498(A) and 506(ii) of IPC.

4. The learned counsel for the petitioner submitted that there are absolutely no materials against this petitioner and this petitioner has been unnecessarily roped in as an accused in this case. The learned counsel brought to the notice of this Court, the final report filed by the respondent police, wherein it has been stated that this petitioner is the father of A5 and he was taking steps to get his daughter married to A1. Except this allegation, there is no other allegation that has been made against this petitioner. The learned counsel further submitted that this Court has already quashed the proceedings, insofar as, A10 and A11 are concerned, in CrI.O.P.No.13293 of 2015 and this Court has already quashed the proceedings as against A5. The learned counsel therefore submitted that if the proceedings have already been quashed insofar as A5 is concerned, the same has to enure to the benefit of the petitioner also, who is none other than the father of A5.

5. The learned counsel appearing for the second respondent submitted that there are prima facie materials available against the petitioner and therefore, the petitioner has to face the trial before the Court below.

6. The learned Additional Public Prosecutor submitted that this Court should not interfere with the proceedings at this stage and the Court below should be directed to proceed further with the trial and time has to be fixed for the completion of the proceedings.

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

8. This petitioner has been added as A6 in the final report. He is the father of A5. The allegation against this petitioner is that this petitioner informed A2 and A3, who are the father and mother of A1 that if the defacto complainant is driven out from the matrimonial home, he will get his daughter A5 married to A1. Apart from this allegation, there is absolutely no other material available against this petitioner.

9. This Court has already quashed the proceedings insofar as A5 is concerned in CrI.O.P.No.4520 of 2015, dated 13.07.2018. The said order will enure to the benefit of the petitioner also. The continuation of the proceedings as against the petitioners

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.

10. In the result, the proceedings in C.C.No.27 of 2014, on the file of Additional Mahila Court (Magistrate level), Coimbatore, is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Additional Mahila Court (Magistrate level),
Coimbatore.

2.The Inspector of Police,
All Women Police Station,
Thudiayalur,
Coimbatore.

3.The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to M/s.B.Radhika, Advocate Sr.66876

Cr1.O.P No.11267 of 2017

srg 10/09/2019