

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P.No.28963 of 2018
and
Crl.M.P.No.16924 of 2018

Minerva Petitioner/A-7

/Vs/

1. The Inspector of Police,
All Women Police Station,
Thudiyalur,
Coimbatore District.

2.Shoba ... Respondents/Complainant

Prayer:

Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records pertaining to C.C.No.27 of 2014 on the file of the learned Judicial Magistrate (Additional Mahila Court), Coimbatore and quash the same.

For Petitioner : Mr.M.Guruprasad

For Respondent-1 : Mr.M. Mohamed Riyaz
Additional Public Prosecutor

For Respondent-2 : Mr.R.Krishna Kumar

O R D E R

The petitioner is arrayed as A7 in C.C.No.27 of 2014 on the file of the Additional Mahila Court, Coimbatore.

2.The second respondent/defacto complainant had lodged a complaint dated 31.12.2013 with the Inspector of Police, All Women Police Station, Coimbatore, against eleven accused including the petitioner herein contending that her husband and her family members demanded dowry of Rs.25,00,000/- and also criminally intimidated her. Based on this complaint, the Inspector of Police, All Women Police Station, Coimbatore.

Subsequently, after completing investigation, the Inspector of Police, All Women Police Station, Coimbatore, filed a final report dated 09.03.2018 before the learned Additional Mahila Court, Coimbatore, against eleven accused for the alleged offences punishable under Sections 498(A) and 506 (ii) of IPC.

3. It is seen that the defacto complainant got married to A1 on 20.02.2012 and thereafter, their marriage ran into rough weather. It is alleged by the defacto complainant that the family members of her husband were demanding more and more money as dowry and they did not permit her to have conjugal relationship with her husband. On the complaint lodged by the defacto complainant, the respondent police registered a case in Crime No.70 of 2013 for the offences under Sections 498A and 506 (ii) IPC against 11 accused. After completion of investigation, the respondent police filed final report against all accused for the offences under Sections 498A and 506(i) IPC before the learned Additional Mahila Judge, (Magisterial Level), Coimbatore, which was taken on file in C.C.No.27 of 2014. The petitioner, who is A-7, is seeking to quash the prosecution as against her.

(*)4. The petitioner is the sister of A1 and the address of A7 is mentioned as Housing Board, Maruthi Nagar, Namakkal, whereas the address of A1 to A3 is Rajalakshmi Apartments, B-Block, Rajalakshmi Colony, TVS Nagar, Idayarpalayam, Coimbatore District.

5.A perusal of the entire records shows that nowhere in the final report, it is mentioned that petitioner (A7) demanded dowry from the second respondent/defacto complainant or that she criminally intimidated her (second respondent/defacto complainant). The allegations in the FIR and the final report as far as the present petitioner is concerned, are vague. Therefore, this Court embarked upon an enquiry into the records of the case and found that apart from making an Omnibus allegation that A-7 along with the other accused had cruelly treated the defacto complainant, there are no other materials on record for prosecuting A-7. It is a common practice in matrimonial cases, to drag all the husband's family members. Therefore, the proceedings in C.C.No.27 of 2014 on the file of the Additional Mahila Court, Coimbatore, is liable to be quashed, as regards the petitioner (A7). The learned Additional Mahila Court, Coimbatore is directed to proceed further and with regard to the other accused in C.C.No.27 of 2014 and dispose of the same as expeditiously as possible.

6.With the above observations, in C.C.No.27 of 2014 on the file of the Additional Mahila Court, Coimbatore, is quashed as regards the petitioner (A7) alone. Accordingly, the Criminal

Original Petition is allowed and the Trial Court is directed to complete the trial in C.C.No.27 of 2014 as against the other accused within a period of three months from the date of receipt of a copy of this order. Consequently, connected Crl.M.P.No.16924 of 2018 is closed.

(*) Corrected as per order dated 22.03.2019 in CRL OP No.28963 of 2018

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

msm

To

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

2. The Inspector of Police,
All Women Police Station,
Thudiyalur, Coimbatore District.

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

+3 cc's to Mr.V.Guruprasad, Advocate Sr.Nos.10155,10466 &27764

Crl.O.P.No.28963 of 2018

CSL/04.04.2019

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