



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD) Nos.21839 of 2014 and 4909 of 2015
and

M.P. (MD) Nos.1 and 2 of 2015

1.S.Pandiyaraj

2.Subburaj

3.Pandiyammal

4.Nagaraj

5.Mani @ Ayyammal

6.Meena @ Nagalakshmi ... Petitioners in both Crl.O.Ps.

Vs

1. State rep. by
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
Crime No.13/2014

... 1st Respondent in
Crl.O.P. (MD) No.21839 of 2014

2.Karthi ... Respondent in both Crl.O.Ps.

Prayer in Crl.O.P. (MD) No.21839 of 2014: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the proceedings in C.C.No.276 of 2014 on the file of the Judicial Magistrate, Aruppukottai, Virudhunagar District and quash the same.

Prayer in Crl.O.P. (MD) No.4909 of 2015: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the proceedings in M.C.No.7 of 2015 on the file of the Judicial Magistrate, Aruppukottai, Virudhunagar District, dated 01.09.2014 and quash the same.

For Petitioners : Mr.N.Mohideen Basha
(in both Crl.O.Ps.) for Mr.D.S.Haroon Rasheed

For R1 : Mr.A.Robinson
Government Advocate (Crl.side)
(in Crl.O.P. (MD) No.21839 of 2014)

For R2 : Mr.A.John Vincent
(in both Crl.O.Ps.)

**COMMON ORDER**

Heard the learned counsel appearing for the petitioners, learned Government Advocate (Crl.side) appearing for R1 and the learned counsel appearing for R2.

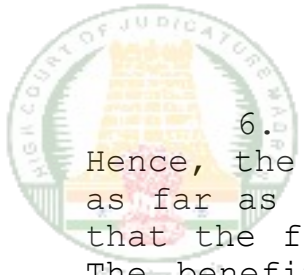
2.The learned counsel appearing for the petitioners would state that the first petitioner S.Pandiyaraj would face the proceedings and establish his innocence in the trial. The petitioners' counsel would only press this petition as regards remaining petitioners.

3.The defacto complainant in this case is only Karthi. She is closely related to S.Pandiyaraj. It appears from the materials on record that there was an intimacy between the first petitioner S.Pandiyaraj and the said Karthi. But the intimacy did not blossom into marriage. Aggrieved by the same, the defacto complainant lodged a police complaint and stayed Dharna. The matter also figured in the media. The parents of the Pandiyaraj were firm that they would not consent for the marriage between Pandiyaraj and Karthi. Therefore, Karthi appears to have given complaint before the All Woman Police Station, Aruppukottai, leading to registration of Crime No.13 of 2014. After completing the investigation, final report came to be filed not only against the petitioner and his parents but also against maternal uncle of Pandiyaraj, his wife and their daughter. Cognizance of the offence was taken in C.C.No.276 of 2014 on the file of the Judicial Magistrate, Aruppukottai.

4. It is obvious on going through the materials enclosed in the type set that the petitioners 2 to 6 have been implicated more to wreak vengeance. The petitioners 2 and 3 are the parents of Pandiyaraj and since they did not agree for the marriage, they have been implicated. It appears that Pandiyaraj has later married the sixth petitioner Meena who is the daughter of the petitioners 4 and 5. The fourth petitioner is the maternal uncle, while the fifth petitioner is the wife of the fourth petitioner. The defacto complainant was obviously upset about the proposed marriage between the first petitioner and the sixth petitioner. That is why, they have also been implicated.

5. I am satisfied that the implication of the petitioners 2 to 6 was more on account of spite. The Hon'ble Supreme Court, in the decision reported in **(1992 Supp(1) SCC 335) State of Haryana V. Bhajanlal**, held as follows:-

"(7). Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."



6. The case on hand falls within the aforesaid parameter. Hence, the impugned proceedings in C.C.No.276 of 2014 stand quashed as far as the petitioners 2 to 6 are concerned. It is made clear that the first petitioner will have to necessarily face the trial. The benefit of this order will not enure to the benefit of the first petitioner. The case against the first petitioner will have to be independently dealt with on its own merits. This criminal original petition stands allowed as regards petitioners 2 to 6. This criminal original petition is dismissed as far as the first petitioner is concerned.

7. Applying the very same yardstick in CrI.O.P.(MD)No.4909 of 2015, the proceedings against the petitioners 2 to 6 in M.C.No.7 of 2015 stand quashed. This criminal original petition stands allowed as regards petitioners 2 to 6. This criminal original petition is dismissed as far as the first petitioner is concerned. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
2. The Judicial Magistrate, Aruppukottai, Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.D.S.HAROON RASHEED, Advocate (SR-87834[F] dated 19/09/2019)

+1 CC to Mr.A.JOHN VINCENT, Advocate (SR-88012[F] dated 20/09/2019)

CrI.O.P(MD)Nos.21839 of 2014 and 4909 of 2015
and
M.P. (MD)Nos.1 and 2 of 2015
19.09.2019