



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

Crl.O.P (MD) .No.14082 of 2015

and

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

1.Kamatchi Raja

2.Nallakamu

3.Nagajothi

... Petitioners/Accused Nos.1 to 3

Vs

1.State Represented by

The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Cr.No.44 of 2014,
Madurai District.

... Respondent/Complainant

2.Dr.R.Lakshmi Priya, BDS ... Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.C.No.30 of 2015, on the file of the learned Additional Mahalir Neethimandram, Madurai, Madurai District and quash the same.

For Petitioner

: Mr.V.Kathirvelu
Senior Counsel
for Mr.K.Prabhu

For R1

: Mr.A.Robinson
Government Advocate (Crl. side)

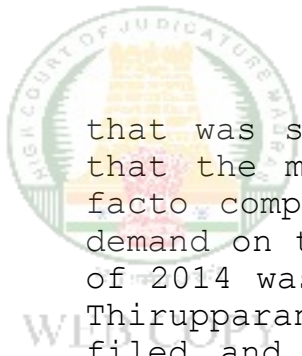
For R2

: No appearance

ORDER

The petitioners herein are facing trial in C.C.No.30 of 2015, on the file of the Additional Mahalir Neethimandram, Madurai District. The second respondent herein is the de-facto complainant.

2.It is the case of the prosecution that some sort of betrothal function was performed between the first petitioner and the de-facto complainant on 20.04.2014. But then, the marital alliance could not be finalized. According to the first petitioner, the second respondent had some kind of physical deformity in her left hand and



that was suppressed earlier. Be that as it may, the fact remains that the marriage between the parties did not take place. The de-facto complainant in her complaint alleged that there was dowry demand on the part of the petitioners herein. Therefore, Crime No.44 of 2014 was registered on the file of the All Women Police Station, Thirupparankundram. The case was investigated and final report was filed and cognizance of the offences under Sections 417, 294(b), 448, 506(i) of IPC r/w Section 3 of Dowry Prohibition Act was taken. The case was taken up for trial in C.C.No.30 of 2015. To quash the same, this Criminal Original Petition has been filed.

3. Even though notice was served to the de-facto complainant, she has not chosen to appear. Through the first respondent police, intimation was sent to her father. Even he has also not chosen to appear.

4. The learned Senior Counsel appearing for the petitioners stated that the second respondent has now got married. Likewise, the first petitioner has also got married. When the parties have gone their separate ways, there is absolutely no point in continuation of the impugned prosecution. The Social Welfare Officer has also given a report mentioning that there was no dowry demand as such. However, the de-facto complainant's father appears to have spent some amount for performing the function. That is why, when the petitioners herein applied for anticipatory bail by filing Crl.O.P.(MD)No.9679 of 2014, a condition was imposed that the petitioner should deposit a sum of Rs.1,25,000/-. It is seen that the said condition has been complied with. But it is not known as to whether, Thiru.C.Raj, the father of the de-facto complainant has withdrawn the said amount or not. Therefore, even while quashing the impugned proceedings, liberty is given to Thiru.C.Raj to withdraw the said amount, if he has not already withdrawn it. This Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

Sub Assistant Registrar(CS)

sjj

To

1. The Additional Mahalir Neethimandram,
Madurai, Madurai District.



2. The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K. PRABHU, Advocate (SR-101373[F] dated 26/11/2019)

Crl.O.P (MD) . No.14082 of 2015
25.11.2019

mr (CO)
TR(16.12.2019) 3P 5C