



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.2402 of 2015

and

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

WEB COPY

- 1.Rajathi
- 2.Abdul Salam
- 3.Rahaina Begam
- 4.Nabeeza Begam

... Petitioners/Accused Nos.2, 4, 5 and 6

Vs.

- 1.State Rep. by
The Inspector of Police
All Women Police Station,
Karaikudi, Sivagangai District.
(Cr.No.3 of 2012) ... Respondent No.1/Complainant

2. Abdullbeevi @ Pothumponnu
... Respondent No.2/De-facto complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the charge sheet in C.C.No.191 of 2014 pending before the learned District Munsif-cum- Judicial Magistrate, Karaikudi in Crime No.3 of 2012, for the offences under Sections 498(A), 294(b) and 506(ii) of IPC and Section 4 of TNPWH Act, on the file of the respondent No.1 and quash the same as illegal with regard to the petitioner.

For Petitioners	: Mr.S.Vanchinathan
For R1	: Mr.A.Robinson
	Government Advocate (crl.side)
For R2	: No Appearance

O R D E R

The petitioners are facing trial in C.C.No.191 of 2014, on the file of the learned District Munsif-cum-Judicial Magistrate, Karaikudi.

2.The second respondent is the de-facto complainant. The case of the de-facto complainant is that she got married in the year 1994 to one Abdul. She begot three male children. The relationship between the de-facto complainant and her husband broke down. While so, A1, son of the first petitioner herein developed intimacy with the de-facto complainant. He had prevailed upon the de-facto complainant to sell her house property. Marriage between A1 and de-facto complainant took place before advocate notary on 21.06.2010. He lived for a while as husband and wife with her. Thereafter, he left abroad.



3.In this background, the petitioners herein are said to have abused the de-facto complainant and demanded that she must pay a sum of Rs.1,00,000/- and bring additional dowry. She is also said to have been threatened. As against the petitioners herein, a complaint was given by the de-facto complainant and final report was filed and cognizance of the offences was taken, for the offences under Sections 294(b) and 506(2) of IPC and Section 4 of TNPWH Act.

4.As rightly pointed out by the petitioner's counsel, the offences under Section 294(b) of IPC will not be attracted, as it did not happen in a public place. Likewise, the offence under Section 506(2) of IPC will also not be attracted. The threat said to have been held out by the petitioners herein cannot be construed as a real one. Section 4 of the TNPWH Act cannot be invoked against the women folk. The petitioners 1,3 and 4 herein are women. As regards the second petitioner, he is only the uncle of A1. The second petitioner who is said to be a relative is not seem to have played any real allegation in the matter. Only a general allegation is made against him. Of course, the first accused/A1 will have to face the trial. The prosecution of the petitioners herein can only be construed as an abuse of legal process.

5.In this view of the matter, the impugned proceeding stands quashed as far as the petitioners are concerned. The prosecution will go on against the first accused/A1. Accordingly, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sji/Ls

To

1.The District Munsif cum Judicial Magistrate,
Karaikudi.

2.The Inspector of Police
All Women Police Station,
Karaikudi,
Sivagangai District.



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

+1 CC to Mr.S.VANCHINATHAN, Advocate (SR-88313[F] dated
20/09/2019)

CrI.O.P (MD)No.2402 of 2015
20.09.2019

VB(20.01.2020) 3P 5C