



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.564 of 2015

and

MP(MD)Nos.1 & 2 of 2015

WEB COPY

Nishat @ Nishat Ahamed

... Petitioner / Accused No.4

Vs.

1.The Inspector of Police,
All Women Police Station,
Thanjavur.

... 1st Respondent / Complainant

(Crime No.6 of 2007)

2.Saharbanu

... 2nd Respondent / Defacto
Complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the C.C No.179 of 2008 on the file of the learned Judicial Magistrate No.1, Thanjavur and quash the same.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.A.Robinson,

Government Advocate (crl.side) for R1

No appearance for R2

ORDER

The petitioner herein is figuring as A4 in C.C No.179 of 2008 on the file of the Judicial Magistrate No.1, Thanjavur. The defacto complainant is the second respondent herein. She got married to one Imithiyaz Rahim Lukman on 21.03.1999. Two children were born. The marital relationship between them appears to have come under strain. Hence, she lodged information before the AWPS, Thanjavur in the year 2007. Crime No.6 of 2007 was registered. Investigation was taken up and final report was filed before the learned Judicial Magistrate No.1, Thanjavur for the offences under Sections 498 A, 294(b), 406 IPC r/w Section 4 of Dowry Prohibition Act. To quash the same, the fourth accused has filed this criminal original petition.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) appearing for the first respondent. Though the defacto complainant has been served and her name was also printed in the cause list, she has not chosen to enter



3.It is seen that the allegations made against the petitioner pertain to the year 1999-2000. During the relevant time, the petitioner was a minor. I am of the view that the contest should be between the defacto complainant on the one hand and the husband and the parents of the husband on the other hand. Implication of the petitioner herein appears to be wholly unwarranted. Continuation of the impugned prosecution would only amount to sheer abuse of legal process.

4.In this view of the matter, the impugned C.C No.179 of 2008 stands quashed as far as the petitioner herein is concerned. The court below shall proceed with the trial as against the remaining accused. Considering the fact that the C.C is of the year 2008, the trial court is directed to conclude the trial on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order. This petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

Skm

To

1.The Judicial Magistrate No.I, Thanjavur.

2.The Inspector Of Police
All Women Police Station,
Thanjavur.

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

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-88188[F] dated 20/09/2019)

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