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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD) No.5784 of 2016

and

Crl.M.P.(MD) Nos.2869 and 2870 of 2016

1.M.Ramani
2.R.Selvi
3.R.Vinodkumar
4.R.Vidyakumari

... Petitioners / Respondents 2 to 5

Vs

Kanchana

... Respondent/ Petitioner

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to M.C.No.157 of 2015 on the file of the Judicial Magistrate cum Mahila Court, Tiruchirapalli and quash the same as illegal insofar as the petitioner's concerned.

For Petitioners : Mr.T.Vadivelan

ORDER

The petitioners are shown as respondents in M.C.No.157 of 2015 on the file of the Judicial Magistrate cum Additional Mahila Court, Tiruchirappalli.

2.It is a proceeding instituted by the respondent herein under the provisions of the Protection of Women From Domestic Violence Act, 2005. To quash the same, this criminal original petition has been filed.

3.Though the respondent has been served and she has entered appearance through counsel, there is no appearance on her behalf today.

4.The petitioner's counsel states that the respondent is working as a police constable. She also filed a criminal case against the petitioners herein in Crime No.11 of 2015 on the file of the All Women Police Station, Panruti. The same was charge sheeted and taken on file in C.C.No.36 of 2015. The Court had taken cognizance for the offences under Sections 498A and 506(ii) of IPC and Sections 4 and 6(2) of Dowry Prohibition Act. But the case ended in acquittal on 28.11.2019.

5.The petitioner's counsel passed a copy of the online report. It indicates that the case was taken up by the Chief Judicial Magistrate/Additional Mahila Court, Kadaloor and the accused were acquitted. He would point out that the respondent being a police constable has not sought any maintenance.

6.When on the same set of facts, the criminal case had ended



in acquittal, I am of the view that no purpose will be served in continuing the impugned proceedings as far as they are concerned.

7. I went through the contents of the petition filed by the respondent herein.

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8. All that the respondent has set out in her complaint is that the petitioners herein should be dealt with under the provisions of the Protection of Women From Domestic Violence Act for having demanded dowry and for stating that they would perform another marriage for her husband. But the competent criminal Court has chosen to acquit the petitioners herein for the offences under Sections 4 and Section 6(2) of the Dowry Prohibition Act. Therefore, purpose will be served in continuing the impugned proceedings. Hence, it stands quashed. This criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

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/ /2020

Sub Assistant Registrar (CS)

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To

The Judicial Magistrate cum Mahila Court,
Tiruchirapalli.

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and

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SMA/02/06/2020/2P/2C