



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:19.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD)No.10300 of 2018

and

Crl.M.P (MD)Nos.4594 and 4595 of 2018

1.Murugan
2.K.Madathi
3.Raja Gobal
4.Manjula
5.Vellammal
6.Thoon @ Velusamy

... Petitioners/Accused Nos.1, 3, 4, 6, 8 and 9

Vs.

1.The Inspector of Police,
All Women Police Station,
Alangulam,
Tirunelveli District.

...1st Respondent/Complainant

2.Maragathamani

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records pertaining to the charge sheet, dated 27.06.2014 in C.C.No.478 of 2017 on the file of the learned Judicial Magistrate Court, Alangulam, Tirunelveli District and quash the same as illegal.

For Petitioners	:	Mr.V.Rajiv Rufus
For R1	:	Mr.R.Anandharaj
		Additional Public Prosecutor
For R2	:	No Appearance

O R D E R

This petition has been filed to quash the proceedings in C.C.No.478 of 2017 on the file of the learned Judicial Magistrate, Alangulam, Tirunelveli District.

2.The crux of the complaint is that the first accused got married the second respondent on 24.05.2010 at Shankarankovil Shankaran Narayanaswamy Temple. Though at the time of marriage sridhana and jewels were presented by the family members of the second respondent, the first and second accused demanded more dowry



from the second respondent. Therefore, she lodged a complaint to the first respondent and the same has been registered in Crime No.23 of 2012 for the offence under Sections 498(A), 406, 506(i) r/w 4 of DP Act. Thereafter the second petitioner herein conspired together to fix the marriage between the first petitioner and the 4th petitioner herein, who is none other than the daughter of the 5th petitioner. Accordingly, they performed the said marriage and the same was registered before the Sub Registrar, Sankarankovil on 15.07.2013. When it was questioned by the second respondent, the petitioners threatened her with dire consequence.

3.Though notice was served on to the 2nd respondent, none appeared either in person or through counsel.

4.Heard Mr.V.Rajiv Rufus, learned counsel appearing for the petitioners and Mr.R.Anandharaj, learned Additional Public Prosecutor appearing for the first respondent.

5.On careful consideration of the points raised by the petitioners and also on perusal of the records, according to the respondent, the victim got married with the first petitioner on 24.05.2010 at Shankarankovil Shankara Narayanaswamy Temple. At that time of marriage, the family members of the 2nd respondent presented sridhana and house hold articles. The petitioners harassed the 2nd respondent by demanding more dowry. When the said demand was not fulfilled by the 2nd respondent, she was driven out from the matrimonial home.

6.The wife of the first petitioner died. Further, the petitioners are demanding dowry for the first petitioner's marriage. The temple authorities confirmed the fact that on 24.05.2010, there was no marriage was solemnized at their temple. Therefore, the 2nd respondent failed to prove the marriage between the first petitioner and her. The entire complaint is vitiated and it is nothing, but abuse of process of Court.

7.In view of the above discussion, this Criminal Original Petition stands allowed and the proceedings in C.C.No.478 of 2017 on the file of the learned Judicial Magistrate, Alangulam, is hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)



To

1 The Judicial Magistrate,
Alangulam, Tirunelveli District.

2 The Inspector of Police,
All Women Police Station,
Alangulam, Tirunelveli District.

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

**Crl.O.P. (MD) No.10300 of 2018
and
Crl.M.P (MD) Nos.4594 and 4595 of 2018**

SDS (08.01.2020) 3P-4C