



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.09.2019

CORAM:

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THE HON'BLE MR.JUSTICE **N. ANAND VENKATESH**

**Crl.O.P.No.1456 of 2017
and
CRL MP (MD) Nos.1211&1212 OF 2017**

1.Sudalaivadivu

2.M.Jeyamurugan ... Petitioners / Accused Nos.3 & 4

Vs.

State Rep. By

1.The Inspector of Police,
All Women Police Station,
Srivaigundam,
Thoothukudi District.
(Crime No.17 of 2016)

...1st Respondent / Complainant

2.P.Mariammal

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to the charge sheet in C.C.No.322 of 2016 on the file of the Judicial Magistrate, Srivaigundam, Thoothukudi District and quash the same as against the petitioner as illegal.

For Petitioners : Mr.P.Banuprasath

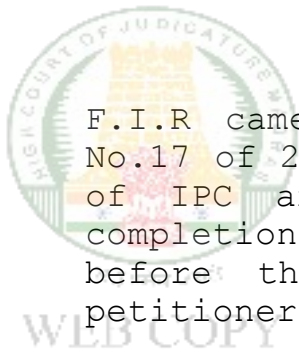
For R1 : Mr.M.Chandrasekaran
Additional Public Prosecutor

For R2 : Mr.S.T.Sasidharan Tamilkani

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.322 of 2016, on the file of the learned Judicial Magistrate, Srivaigundam, Thoothukudi District.

<https://hcservices.courts.gov.in/hcservices> the complaint given by the second respondent, a



F.I.R came to be registered by the respondent police in Crime No.17 of 2016 for an offence under Sections 294(b), 498(A), 506(2) of IPC and Section 4 of Dowry Prohibition Act, 1961. On completion of investigation, a final report came to be filed before the Court below against four accused persons. The petitioners have been added as A3 and A4.

3. The case of the prosecution is that the second respondent got married with one Marimuthu on 12.02.2016. Within three days of the marriage, she is said to have been driven out of the matrimonial home demanding for dowry. Therefore, from 15.02.2016 onwards, the second respondent is living separately. The petitioners are the sister-in-law and her husband.

4. The learned counsel for the petitioners submitted that the petitioners have been unnecessarily roped in this case and they have nothing to do with the offence. The learned counsel further submitted that the petitioners have been made as accused by making general allegations against them and therefore, the final report in so far as the petitioners are concerned is an abuse of process of Court.

5.The learned counsel for the petitioners also brought to the notice of this Court, the compromise that took place between the parties in the year 2018, wherein the second respondent and her husband (A1) had decided to mutually settle the dispute and bring to an end the matrimonial relationship between the parties. The learned counsel submitted that in view of this subsequent development, nothing survives in the present case.

6.The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the marriage did not even last for three days and the second respondent was driven out of the matrimonial home demanding for dowry. He further submitted that if really there was any settlement between the parties that took place, subsequently, it is for the parties to resolve the same in the manner known to law.

7.The learned counsel appearing on behalf of the second respondent submitted that there are allegations made against the petitioners, who had also demanded dowry from the second respondent and therefore, the petitioners must also been made to face the trial before the Court below. The learned counsel submitted that he has no instructions regarding the settlement between the parties.

8.This Court has carefully considered the submissions made on either side and the materials available on record.



9.It is an unfortunate case, where the marital life between the second respondent and her husband (A1) lasted only for three days. It is alleged that dowry was demanded from the second respondent and as a result of the same, she was driven away from the matrimonial home. The petitioners are the sister-in-law of the second respondent and her husband. Both in the complaint as well as in the statement recorded under Section 161(3) of Cr.P.C., it is only stated that the first petitioner had told the de facto complainant that the Sridhana property that was brought by the second respondent was grossly inadequate and therefore, she was made to go away from the matrimonial home. Except for the general allegations made against the petitioners, there is no other material available against the petitioners.

10.The petitioners and the respondent are admittedly living separately and even according to the second respondent, she was living with her husband and mother-in-law in the matrimonial home. The petitioners have been unnecessarily dragged into the proceedings and have been made to face a criminal prosecution.

11.The settlement that is said to have been taken place between the second respondent and her husband (A1) was placed before this Court and it is stated in the settlement deed that the proceedings in C.C.No.322 of 2016 will be withdrawn by the second respondent. The authenticity of this settlement is not confirmed by the counsel appearing for the second respondent. The learned Additional Public Prosecutor is also not aware of this settlement.

12.In the considered view of this Court, the proceedings as against the petitioners is an abuse of process of Court and they have been unnecessarily dragged into the proceedings. This Court does not want to go into the authenticity or otherwise of the settlement deed that has been placed before this Court. If there was a really any settlement, the second respondent will say so before the Court below, when the proceedings continues as against A1 and A2.

13.In view of the above, the proceedings in C.C.No.322 on the file of the Judicial Magistrate, Srivaigundam, Thoothukudi District, is hereby quashed, in so far as the petitioners are concerned.

14.Accordingly, this Criminal Original Petition is allowed. If there is no settlement between the parties, the Court below is directed to proceed further with the trial in C.C.No.322 of 2016 and complete the proceedings within a period of three months from



the date of receipt of a copy of this order. Consequently connected Miscellaneous Petition are closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar (CS)

VSD

To

1. The Judicial Magistrate,
Srivaigundam,
Thoothukudi District.
2. The Inspector of Police,
All Women Police Station,
Srivaigundam, Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P. BANU PRASANTH, Advocate (SR-84985[F] dated 04/09/2019)

+1 CC to M/s.S. T. SASIDHARANTAMILKANI, Advocate (SR-85093[F] dated 04/09/2019)

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