



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD)No. 8133 of 2017

and

Crl.M.P. (MD) .No.5511 of 2017

1.Anbuselvi
2.L.Vijay Amirtharaj
3.Yesudas @ Jesuraj
4.Mariiya Soosai Poonkothai

... Petitioners
Accused Nos.4 to 7

Vs.

1.The Sub Inspector of Police,
Lalgudi Police Station,
Trichy.
(Under Crime No.450 of 2015)

... Respondent/Complainant

2.M.Minnal Mary

... Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in First Information Report in Crime No.450 of 2015, on the file of the first respondent Police and to quash the same insofar as the petitioners are concerned

For Petitioners : Mr.K.R.Laxman

For R1 : Mr.S.Chandrasekaran
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.450 of 2015, pending investigation on the file of the first respondent Police.

2. The First Information Report has been registered by the first respondent Police based on the complaint given by the mother of the deceased. The First Information Report was registered under Section 174 of the Code of Criminal Procedure and subsequently, it has been altered for the offences under Sections 498(A) and 304 (B) of the Indian Penal Code.



3. The learned counsel appearing for the petitioners submitted that the petitioners are sisters-in-law and their respective husbands. These petitioners have nothing to do with the matrimonial dispute between the deceased and the Accused No.1. The learned counsel submitted that these petitioners have been made as an accused only to harass them and that of the entire criminal proceedings is an abuse of process of law insofar as the petitioners are concerned.

4. The learned Additional Public Prosecutor placed the Revenue Divisional Officer's Report and an Alteration report before this Court. It is seen from the reports that there is absolutely no material as against these petitioners and on enquiry, the Revenue Divisional Officer was not able to find any materials against the petitioners.

5. The learned counsel appearing on behalf of the second respondent submitted that the victim took the extreme step of committing suicide only due to the harassment and cruelty that was meted out by her husband and their family members. The learned counsel submitted that the report of the Revenue Divisional Officer clearly shows that dowry was demanded from the deceased and recommendation has also been made to add the offence under the Dowry Prohibition Act.

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

7. The petitioners herein are sisters-in-law and their respective husbands and they have been arrayed as Accused Nos.4 to 7. The First Information Report was initially registered under Section 174 of the Code of Criminal Procedure, since the victim committed suicide. Before committing suicide, it seems that she has killed the child and thereafter, committed suicide. The Revenue Divisional Officer, Ilalkudi, after a detailed enquiry, has given a report, dated 29.01.2016 to the effect that there was demand for dowry and the same was received from the victim which forced her to take an extreme step of committing suicide. In the entire Revenue Divisional Report, there is absolutely no mention about the petitioners and there are no materials against the petitioners to make them face the criminal prosecution. The petitioners have been made as an accused only based on the fact that the accused are related to Accused No.1.

8. The continuation of the criminal prosecution as against the petitioners is an abuse of process of law. Even in the complaint, there are no specific allegations made against the petitioners. The First Information Report requires interference of this Court insofar as the petitioners are concerned. In the result, the First Information Report in Crime No.450 of 2015, on the file of



the first respondent Police is hereby quashed insofar as the petitioners are concerned and accordingly, the Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

tsg

To

1.The Sub Inspector of Police,
Lalgudi Police Station,
Trichy.

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

+1 CC to Mr.K.R. LAXMAN, Advocate SR-90700.

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CS(18.10.2019) 3P 4C