

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.01.2020
CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.O.P.No.15248 of 2013
and M.P.Nos.1 & 2 of 2013

- 1.Govindhan
- 2.Pappammal
- 3.Rangasamy

.... Petitioners/Accused 2 to 4

-vs-

- 1.Station House Officer,
All Women Police Station,
Kondalapatti,
Salem District.
[Crime No.11 of 2010]

- 2.Mahalakshmi

.... Respondents

Prayer: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to call for the entire records connected with the case in C.C.No.3 of 2012 on the file of the learned Judicial Magistrate V, Salem and quash the same in so far as the petitioners are concerned.

For Petitioners : Mr.S.Sathia Chandran
For Respondents : Mr.R.Ravichandran,
GA (Crl.Side) for R1

सत्यमेव जयते

O R D E R

The first respondent registered a case as against the petitioners and one another in Crime No.11 of 2010 for the offence under Section 498A and 323 IPC, based on the complaint given by the second respondent. After investigation, the respondent police laid a charge sheet before the learned Judicial Magistrate No.V, Salem. The learned Magistrate took the charge sheet on file in C.C.No.3 of 2012 and sent summons to the petitioners. The husband of the second respondent/complainant is arrayed as A1 and the petitioners herein are A2 to A4. After receiving the summons, the

petitioners have filed the present petition to quash the complaint in C.C.No.3 of 2012, pending before the learned Judicial Magistrate V, Salem.

2.The learned counsel for the petitioners submitted that these petitioners were no way connected with the alleged offence and there is no specific overt act as against these petitioners. He further submitted that even the Doctor, has not given any wound certificate, since the second respondent voluntarily left the hospital even without informing the hospital authorities. The statement recorded under 161 Cr.P.C by the respondent Police from some of the prosecution witnesses also not spoken about the involvement of these petitioners and therefore, there is no specific allegations as against these petitioners. The first petitioner is the father-in-law, second petitioner is the mother-in-law and third petitioner is the close relative of the petitioners 1 and 2. They have been falsely implicated in this complaint and they have not demanded any dowry or harassed the second respondent. Therefore, the complaint is to be quashed.

3.The learned Government Advocate (Crl.side) would submit that even in the statement recorded under Section 161 Cr.P.C., by the investigating office itself clearly reveals that there is a prima facie allegation as against these petitioners and also A1. He further submitted that the defacto complainant has clearly given a statement before the investigating officers. Therefore, a prima facie case is made out as against the petitioners and the probative value of the materials cannot be gone into now and there is no ground to quash the charge sheet in C.C.No.3 of 2012 . Therefore, the petition is liable to be dismissed.

4.Heard both sides and perused the records.

5.Admittedly A1 is the husband of the second respondent. The first petitioner/A2 is the father-in-law and second petitioner/A3 is the mother-in-law of the 2nd respondent and the third petitioner/A4 is the relative of the petitioners 1 and 2. On perusal of records, there is a prima facie allegation that A1, who is the husband of the 2nd respondent had a concubine and also alleged that the petitioners have harassed and beaten the second respondent seeking dowry. It is also alleged in the complaint that the 2nd respondent gave birth to a second male child, during that time the first accused went to the 2nd respondent's parental home and demanded Rs.1 Lakh. Hence, prima facie allegation is made out as against the petitioners and A1. Therefore, this Court is not inclined to invoke its power under Section 482 to quash the complaint in C.C.No.03 of 2012. The petitioners can raise all their defence before the trial Court.

6. Accordingly, this Criminal Original Petition is dismissed. Connected miscellaneous petitions are also dismissed.

7. Since the calendar case in C.C.No.03 of 2012 is pending from the year 2012 onwards, the learned Judicial Magistrate No.V, Salem, is directed to dispose of the case in accordance with law within a period of four months from the date of receipt of copy of this order and report compliance.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate V,
Salem.
2. The Chief Judicial Magistrate,
Salem.
3. The Station House Officer,
All Women Police Station,
Kondalapatti,
Salem District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to S.Sathiyachandran, Advocate, SR.No.7002.

Crl.O.P.No.15248 of 2013
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VD(CO)
CSR: 28.02.2020

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