

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.18196 of 2013

&

M.P.No.1 of 2013

1. A.Sankar
2. S.Malathi
3. Sankari Devi
4.Jayakumar ... Petitioners/Accued 2 to 5

Vs.

1. The State of Tamilnadu rep. by its
The Inspector of Police,
W-19, All Women Police Station,
Adyar, Chennai - 20.
Crime No.04 of 2012 : Respondent/Complainant
2. Illamurugu Porselvi : Respondent/Defacto Complainant

Petition filed under Section 482 of Cr.P.C. to call for the entire records comprised in C.C.No.416 of 2013 pending on the file of the IX Metropolitan Magistrate Court, Saidapet, Chennai and quash the same.

For Petitioners : Mr.Vimal B.Crimson

For Respondents : Mr.C.Iyyapparaj
Additional Public Prosecutor - R1

No appearance - R2

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O R D E R

This criminal original petition has been filed to call for the entire records comprised in C.C.No.416 of 2013 pending on the file of the IX Metropolitan Magistrate Court, Saidapet, Chennai and quash the same.

2. The first petitioner is the father-in-law of the defacto complainant and the second petitioner is the mother-in-law and the third petitioner is the sister-in-law and the fourth petitioner is the brother-in-law of the defacto complainant. The marriage of the defacto complainant and the first accused was solemnized on 20.05.1999 at the instance of the third petitioner and her husband. Initially, their marriage was performed in the registrar' office. Thereafter, the marriage was solemnised as per customs and rites in AsthaLakshmi Temple at Besant Nagar. After the marriage they lived together in Kothari apartments at Thiruvannamiyur near the house of the third accused and thereafter, the defacto complainant and first accused left to London and they were blessed with a female child. While they were in abroad, there were frequent quarrel between them. Hence, the defacto complainant lodged a complaint before the respondent police and a case was registered in crime No.4 of 2012 for the offences under section 498-A, 406 read with 34 of IPC. After completion of investigation, charge sheet has been filed and the case was taken on file in C.C.No.416 of 2013 for the offences under sections 498-A, 420, 406 read with 34 of IPC on the file of the IX Metropolitan Magistrate Court, Saidapet, Chennai. Challenging the same, the present petition has been filed.

3. The learned counsel for the petitioner submitted that initially A1 and others have filed a petition to quash the proceedings in C.C.No.416 of 2013. However, A1 has withdrawn the quash petition. In the present petition, the petitioners are in-laws of the defacto complainant. There is no allegation against the petitioners in the charge sheet and they have been implicated in this case with an ulterior motive. Hence, prayed to quash the proceedings in C.C.No.416 of 2013.

4. The learned Additional Public Prosecutor also conceded that there is no allegation made out against the petitioners in the charge sheet.

5. Though notice has been served on the second respondent and her name printed in the cause list, none appeared on behalf of the second respondent.

6. The petitioners are arrayed as accused 2 to 5 in the case in C.C.No.416 of 2013. A bare perusal of the charge sheet itself reveals that there is no allegation against the petitioners. In the absence of any materials or allegation implicating the petitioners in the case, the petitioners cannot be forced to face the ordeal of trial. Hence, the proceedings in C.C.No.416 of 2013 is liable to be quashed.

6. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.416 of 2013 is quashed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

vrc

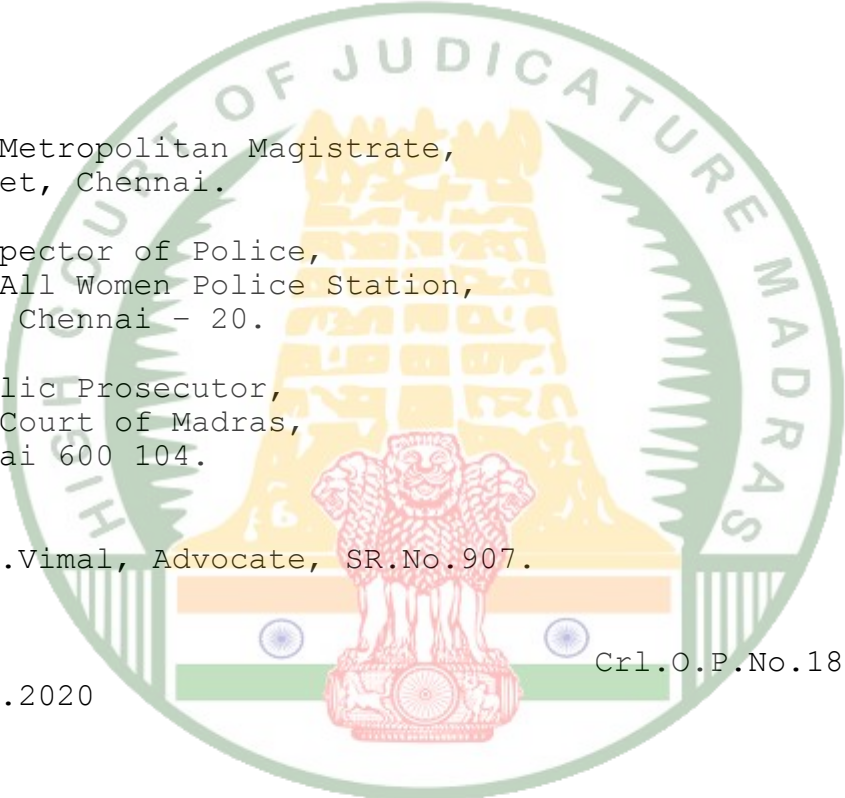
To

1. The IX Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
W-19, All Women Police Station,
Adyar, Chennai - 20.
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to Mr.Vimal, Advocate, SR.No.907.

CSR: 31.01.2020

CrI.O.P.No.18196 of 2013



सत्यमेव जयते

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