

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Cr1.O.P.No.15171 of 2015
and
M.P.No.1 of 2015

Dinesh Tulsyan ... Petitioner/Accused 2

Vs

1. State rep. by Inspector of Police,
All Women Police Station,
Vepery,
Chennai -7 ...1st Respondent/Complainant

2.Renu Rungta ...2nd Respondents/Defacto
Complainant

Prayer : Criminal Original Petition has been filed under
Section 482 of Cr.P.C to call for the records in C.C.No.4645 of
2013 now pending on the file of the learned Chief Metropolitan
Magistrate, Egmore, Chennai and quash the same.

For Petitioner : Mr. R.Abdul Mubeen

For Respondent : Mr. Charles Prem,

Gov. Advocate, for R1

M.Moorthi,

for Mr.C.Anantha Narayanan,

for R2

ORDER

This Criminal Original Petition has been filed to call for
the records in CC.No.4645 of 2013 on the file of the Chief
Metropolitan Magistrate, Egmore, Chennai and quash the same.

2. Based on the complaint given by the second respondent,
the first respondent registered a case in Crime No.3 of 2012
against the petitioner and her husband. After investigation, a
charge sheet has also been filed before the Chief Metropolitan
Magistrate Court, Chennai and the same has also been taken on
file in CC.No.4645 of 2013. In the said case, the petitioner
was arrayed as second accused (A2).

3. The learned counsel for the petitioner would submit that
the defacto complainant and her husband(A1), who is the brother

of the defacto complainant's husband, were living separately and they were not residing in a common house and hence, the petitioner is no way connected with the case and now, his brother (A1) also died. There is no prima facie case made out as against the petitioner and hence, the case against the petitioner in C.C.No.4645 of 2013 has to be quashed.

4. The learned counsel for the first respondent would submit that there is a specific allegation as against the petitioner as per the statement recorded under Section 161 Cr.P.C. from the defacto complainant and her father. Now trial has commenced and four witnesses have also been examined in chief and the petitioner is prolonging the case by filing this petition and hence, this petition has to be dismissed.

5. Heard both sides and perused the materials available on records carefully.

6. The case of the first respondent is that they laid the charge sheet as against the petitioner and his brother, who is the husband of the defacto complainant, before the Chief Metropolitan Magistrate, Egmore, Chennai and the same has been taken on file as C.C.No.4645 of 2013. Now, the petitioner has filed this petition to quash the case as against him in C.C.No.4645 of 2013. According to the learned counsel for the petitioner, the defacto complainant and her husband were living separately. The only allegation against the petitioner is that he came to Chennai and demanded dowry from the defacto complainant. A careful perusal of the records and the 161 Cr.P.C. statement given by the defacto complainant clearly shows that on 06.06.2010, the petitioner came to Chennai and demanded dowry and therefore, there is some allegation as against the petitioner. Therefore, at this stage, since the Investigation Officer found that there is prima facie allegation as against the petitioner, they filed charge sheet. Now, charges were framed and the trial also commenced. Since there is a specific allegation as against the petitioner, this Court is not inclined to quash the case as against the petitioner. However, the petitioner is at liberty to raise all the defence before the trial Court.

7. In the result, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

mrp

To

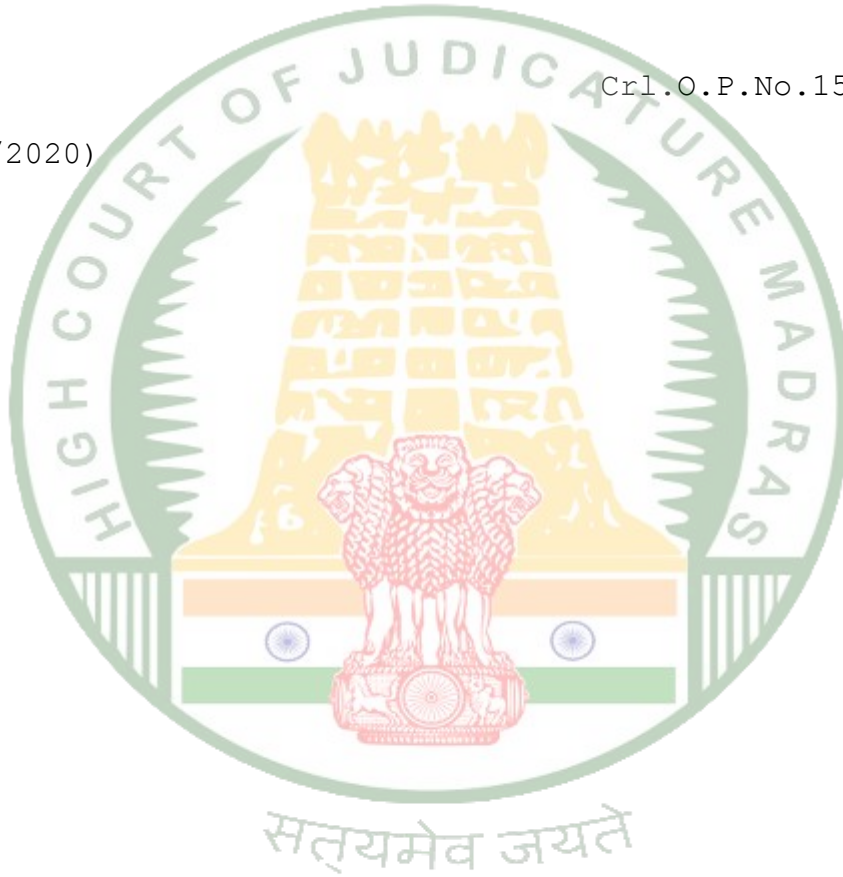
1.The Chief Metropolitan Magistrate,
Egmore, Chennai.

2.The Public prosecutor,
High Court Madras.

+1 cc to M/s.R.Abdulmubeen, Advocate Sr.No. 31861

Crl.O.P.No.15171 of 2015

MG (CO)
RMP (21/10/2020)



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