

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.15585 of 2015

and

Cr1.M.P.Nos.1 & 2 of 2015

1.Sivasubramaniyam

2. S.Pangajam

... Petitioners

Vs.

1. State rep by Inspector of Police,
All women police station,
Perur, Coimbatore District.
Crime No.04/2013.

2. J.Manju

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the pending proceedings in C.C.No.38 of 2014 on the file of the Learned Additional Mahila Court (Magistrate Level) Coimbatore, Coimbatore District and quash.

For Petitioners : Mr.C.D.Johnson

For R-1 : Mr.C.Iyyapparaj
Additional Public Prosecutor

For R-2 : No appearance

ORDER

This Criminal Original Petition has been filed seeking to call for the records pertaining to the pending proceedings in C.C.No.38 of 2014 on the file of the Learned Additional Mahila Court (Magistrate Level) Coimbatore, Coimbatore District and quash.

2.The case of the prosecution is that the petitioners are mother in law and father in law of the defacto complainant. The marriage between the petitioners' son and the defacto complainant / respondent solemnized on 27.01.2010 at Arul Mighu

Kattur Makalliamman temple and the same was registered on 05.02.2010. At the time of the marriage, the petitioners' son was jobless and after a week only he got a job and took the respondent to a separate house. At the time of marriage the respondent was given 10 sovereigns of gold jewellery and household articles. The respondent's jewels were pledged for the purpose of paying advance to the separate house. After the marriage, they were blessed with one female child. Due to some misunderstanding between the couple, the respondent filed a petition in H.M.O.P.No.813 of 2012 for divorce, on the ground of cruelty and the same is pending before the Family Court, Coimbatore, in D.V.A.No.18 of 2014 and also, a complaint was registered for the offences u/s.498(A) IPC and u/s.4 of Dowry Prohibition Act and u/s.4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 Challenging, the said complaint, the present petition is filed.

3.Mr.C.D.Johnson, learned counsel appearing for the petitioners submitted that the petitioners have not given their concern to the marriage of their son and the defacto-complainant. In fact, the marriage was incidentally happened and they have not accepted the marriage, till the date of marriage. When such being the position, implicating the petitioners for the proceedings under domestic violence and subsequent allegations against the petitioners are only vague and the same has been filed in order to wreck vengeance against the petitioners, they were implicated in this criminal case. Accordingly, prays for quashing of the C.C.No.18/2014.

4.The learned Additional Public Prosecutor submitted that all these are triable issues and the same cannot be decided u/s.482 of Cr.P.C.

5. A perusal of the complaint discloses the fact that the petitioners are the mother-in-law and father-in-law of the defacto complainant. The defacto complainant stayed with them only for a period of one month, thereafter, the petitioners' son and the respondent were residing separately. All the dowry harassment complaints are made against the husband and other family members. In the complaint it is stated that the petitioners have conspired with the other accused person in demanding dowry and nothing else indicating their involvement in the crime was mentioned. Based on the bald statement, without any material, ingredients, this Court cannot force the petitioners to face the trial. No specific incident of their involvement in the crime was made out. Hence, I have no hesitation to allow this petition.

6. In the result, this criminal original petition is allowed.C.C.No.18 of 2014 on the file of learned the Learned Additional Mahila Court (Magistrate Level) Coimbatore, Coimbatore District (in Crime No.4 of 2013) filed by the 1st respondent police is hereby quashed. Consequently, the connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Additional Mahila Court (Magistrate Level) Coimbatore, Coimbatore District.
2. The Additional Public Prosecutor, High Court, Chennai.
2. Inspector of Police, All women police station, Perur, Coimbatore District. Crime No.04/2013.

Crl.O.P.No.15585 of 2015

GMR(CO)
SP(16/07/2020)

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