

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.1845 of 2015  
and  
MP.Nos.1 & 2 of 2015

1.Martin Prasad  
2.Arokiaswamy  
3.Seasthiammal

... Petitioners/R1 to R3

Vs.

Uma Loordhu Mary

...

Respondent/ Complainant

Prayer: Petition filed under Section 482 of Cr.P.C., seeking to call for the entire records of the case in M.C.NO.16/2014 pending trial on the file of the Judicial Magistrate, Ranipet and quash the same.

For Petitioners : M/s.K.A.Ravindran

For Respondent : M/s.V.Raja Saravanan

ORDER

The petitioners are the husband, father in law and mother in law of the defacto complainant and they have filed this petition for quashing the proceedings in M.C.NO. 16 of 2014, pending on the file of the learned Judicial Magistrate, Ranipet.

2. The case of the prosecution is that the marriage of the defacto complainant with the first petitioner was performed on 19.05.2010, as per Christian Rights and Customs, at Salem Steel Plant, Saint Jude Church, Salem. The first petitioner is running own business and at the time of marriage, the defacto of complainant's father had given 'Sridhana' of about 25 Sovereigns of gold jewels and Rs.2,00,000/- cash. Thereafter, a matrimonial dispute arose between the first petitioner / husband and the respondent/defacto complainant. The petitioners demanded more money from the respondent / defacto complainant, as dowry and hence, the defacto complainant filed a complaint before the

respondent police, for the offence under Sections 12, 18, 19, 20 and 22 of the Protection of Women From Domestic Violence Act, 2005.

3. The learned counsel appearing for the petitioners submitted that though there are some allegations against the first petitioner, however, no serious allegations are made against the second and third petitioners and hence, without any allegations forcing the petitioners 2 and 3, to face trial is unsustainable and hence, the complaint as against them may be quashed. In the alternative, the learned counsel submitted that without going into the merits of the case, it would suffice, if this Court directs the trial Court to expedite the trial and complete the same as early as possible. He would further submit that the appearance of the petitioners before the Trial Court may be dispensed with and would further submit that the petitioners are ready to appear as and when necessary.

4. Learned counsel appearing for respondent submitted that the first petitioner has obtained an ex parte decree for divorce and the respondent filed a petition to set aside Ex-Parte order with delay, which was allowed and the matter was restored. Already, the petitioners moved anticipatory bail application, which was dismissed and hence, in the above circumstances, he vehemently opposed for quashing the complaint as against the petitioners.

5. Heard the learned counsels appearing on either side and perused the materials available on record.

6. A careful perusal of the complaint reveals that though there are allegations against the 1<sup>st</sup> petitioner, the husband of the defacto complainant, no allegations have been made against the 2<sup>nd</sup> and 3<sup>rd</sup> petitioner. In a nutshell, it is to be stated that there being no allegation made against the 2<sup>nd</sup> and 3<sup>rd</sup> petitioner in the complaint, roping in the 2<sup>nd</sup> and 3<sup>rd</sup> petitioners, as accused in the FIR, is per se unsustainable.

7. In such view of the matter, the proceedings in M.C. No.16 of 2014, pending on the file of the learned Judicial Magistrate, Ranipet, insofar as petitioners 2 and 3 herein are concerned, are quashed. Insofar as the 1st petitioner / husband is concerned, the learned Judicial Magistrate, Ranipet, is directed to expedite the trial in M.C. No.16/2014 and complete the same, as early as possible.

8. Taking into the consideration the request made by the learned counsel appearing for the petitioners, the appearance of the first petitioner before the Trial Court is dispensed with,

except for his appearance for receiving copies under Section 207 of Cr.P.C, at the time of questioning under Section 313 of Cr.P.C. and on the day of judgment. The trial Court, at its wisdom, may direct the appearance of the first petitioner on any other day, if need arises.

9.In the result, this Criminal Original Petition is allowed with the above direction. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar

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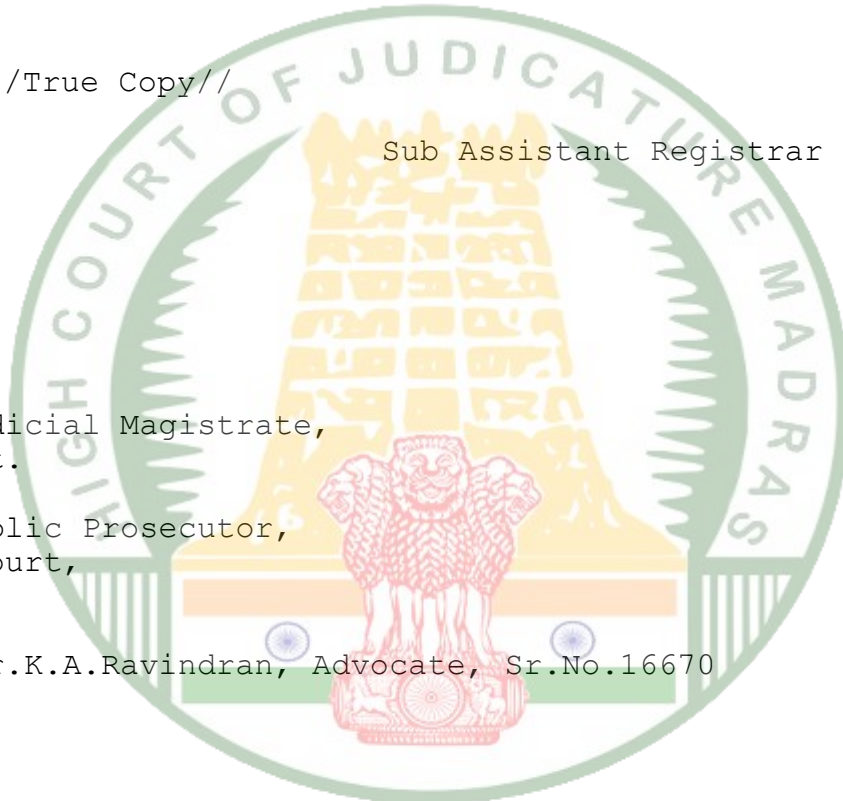
Sub Assistant Registrar

jrs

To

1. The Judicial Magistrate,  
Ranipet.
2. The Public Prosecutor,  
High Court,  
Madras.

+1cc to Mr.K.A.Ravindran, Advocate, Sr.No.16670



सत्यमेव जयते Cr1.OP.No.1845 of 2015

RLD(CO)  
GS(31/08/2020)

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