

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.NO.32235 OF 2013

AND

CRL.M.P.NOS.1 & 2 OF 2013

1.S.Natesan
2.N.Vijayalakshmi
3.N.Vasanth
4.Sindhu Saravanan

... Petitioners 1 to 4/
2 to 5 Accused

Vs.

1. The State,
Represented by Inspector of Police,
All Women Police Station,
Sirkazhi,
Nagapattinam District.
(Crime No.113 of 2012)

2. L.Malarvizhi ... Respondents/Complainant

[Impleaded the 2nd respondent as
per the order of this Court dated
22.04.2014 in Crl.M.P.No.1 of 2014]

PRAYER:

Criminal Original Petition filed under Section 482 of
Cr.P.C., to call for the entire records in C.C.No.113 of 2012 on
the file of the learned Judicial Magistrate Court, Sirkali and
quash the same.

For Petitioners : M/s.N.Nithianandam

For R1 : M/s.C.Iyyappa Raj
Additional Public Prosecutor

For R2 : M/s.S.Muthukrishnan

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.113 of 2012 pending on the file of the Judicial Magistrate Court, Sirkazhi.

2.The 1st respondent police filed the final report before the Court below against the petitioners and the 1st accused for the offences under Sections 498(A), 406 IPC @ 498, 406, 506(i) of IPC.

3.The learned counsel for the petitioners submitted that the entire family members have been roped in this case based on some vague allegations made against them as if they subjected cruelty to the 2nd respondent. The learned counsel submitted that the criminal proceedings against petitioners is an abuse of process of Court and the same requires interference of this Court. In order to substantiate his arguments, the learned counsel for the petitioner also read the 161 statement that was recorded from the defacto complainant.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the witnesses have spoken about the part played by the accused persons and there are materials to frame charges against the accused persons and the petitioners will have to establish their defence only before the Court below in the course of trial and there is no ground to interfere with the proceedings at this stage.

5.The learned counsel appearing for the 2nd respondent would submit that the 2nd respondent underwent cruelty in the hands of the petitioners and the 1st accused. The learned counsel would further submit that sufficient allegations have been made against the in-laws both in the complaint as well as in the final report and the same is substantiated by the statements recorded by the respondent police in the course of investigation. Therefore, the learned counsel would submit that prima facie materials are available against the petitioners and the 1st accused and they will have to necessarily undergo trial before the Court below and this Court should not interfere with the proceedings at this stage.

6.This Court has carefully considered the submissions made on either side and also the materials available on record

7.A careful reading of the final report and the statement recorded from the defacto complainant shows that there are sufficient allegations made against the 1st accused, who is the husband. Therefore, this Court is not inclined to interfere with the proceedings insofar as the 1st accused is concerned.

8.This Court, on going through the materials and the statement given by the witnesses, is able to see that substantial allegations have been made as against A1. Insofar as other accused persons/petitioners are concerned, only general allegations have been made and there is absolutely no materials to show the commission of offence by the other accused persons/petitioners. This is a classical case where the entire family has been roped in.

9.In this case, except for some vague allegations made against the petitioners, there are absolutely no materials to show that the in-laws had in any way acted with cruelty against the 2nd respondent/defacto complainant. The petitioners unnecessarily roped in as an accused and are made to face a criminal prosecution.

10.In the result, the proceedings in C.C.No.113 of 2012, pending on the file of the Judicial Magistrate Court, Sirkazhi is hereby quashed insofar as the petitioners are concerned.

11.The Court below is directed to proceed further with the trial as against the 1st accused and complete the proceedings within a period of six months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate Court,
Sirkazhi.
2. The Inspector of Police,
All Women Police Station,
Sirkazhi, Nagapattinam District.
3. The Public Prosecutor, High Court, Madras-104.

+lcc to Mr.N.Nithianandam, Advocate in sr.no.7420

Cr1.O.P.No.32235 of 2013

PVS (CO)
CS/04/08/2020