

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.610 of 2014

S.Dhanalakshmi

... Petitioner

Vs.

1.State rep. by Inspector of Police
All Women Police Station, Neyveli
Cuddalore District
Crime No.4 of 2013

2.Narmadha

... Respondents

Prayer:Petition filed under Section 482 of Cr.P.C., seeking to call for the records in C.C.No.72 of 2013 on the file of learned Judicial Magistrate, Additional Mahila Court, Cuddalore on charge sheet dated 01.07.2013 (in Crime No.4 of 2013) filed by the 1st respondent police and quash the same.

For Petitioner : Mr.R.Udhayakumar

For Respondent : Ms.V.Saratha Devi

G.A.(Crl. Side) for R1

Mr.A.M.Loganathan for R2

O R D E R

This criminal original petition has been filed seeking to call for the records in C.C.No.72 of 2013 on the file of learned Judicial Magistrate, Additional Mahila Court, Cuddalore on charge sheet dated 01.07.2013 (in Crime No.4 of 2013) filed by the 1st respondent police and quash the same.

2.The petitioners in Crl.O.P.No.33263 of 2013 are the husband, father in law and mother in law of the defacto complainant. This Crl.O.P.No.610 of 2014 has been filed by the 4th accused, who is the sister in law of the defacto complainant.

3.The case of the prosecution is that the marriage of the defacto complainant with the petitioner's brother was solemnised on 06.02.2012. At the time of marriage, 20 sovereigns of gold jewellery, motor cycle worth Rs.60,000/- and household articles worth Rs.1,50,000/- was given to the brother of the petitioner as Seethana. Immediately, after the marriage, the petitioner's

family members also demanded a further sum of Rs.3 lakhs for getting a job for her brother in TNEB. Thereafter, there was a family dispute arose in between the family members of the petitioner and the defacto complainant family. Hence, 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.

4.The learned counsel appearing for the petitioner submitted that though there are allegations as against the other members of the family viz., husband, mother in law and father in law, the present petitioner is the 4th accused, who got married and residing somewhere else and in order to wreck vengeance, the petitioner was implicated in this criminal case. Accordingly, prays for quashing of the C.C.No.72 of 2013.

5.The learned Government Advocate (Crl. Side) submitted that all these are triable issues and the same cannot be decided u/s.482 of Cr.P.C.

6.On a perusal of the complaint discloses the fact that the petitioner is the sister-in-law of the defacto complainant who got married and is residing somewhere else with her husband. All the dowry harassment complaints are made against the husband and other family members. In the complaint it is stated that the petitioner conspired with the other accused person in demanding dowry and nothing else indicating her involvement in the crime was mentioned. Based on the bald statement, without any material, ingredients, this Court cannot force the petitioner to face the trial. No specific incident of her involvement in the crime was made out. Hence, I have no hesitation to allow this petition.

7.In the result, this criminal original petition is allowed. C.C.No.72 of 2013 on the file of learned Judicial Magistrate, Additional Mahila Court, Cuddalore on charge sheet dated 01.07.2013 (in Crime No.4 of 2013) filed by the 1st respondent police is hereby quashed. Consequently, the connected miscellaneous petition if any is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1.The Judicial Magistrate
Additional Mahila Court
Cuddalore

2.The Inspector of Police
All Women Police Station, Neyveli
Cuddalore District

3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to Mr.R.Udayakumar, Advocate Sr.No.10457

AKM/10.03.2020 /3P-5C/

Cr1.O.P.No.610 of 2014