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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos. 7491 & 7492 of 2014
and
MP.NOs.1 & 1 of 2014

1.Ajay Raj
2.P.A.S.Raj
3.Vimala Raj
4.Vijay Raj
5.Stella Raj

...Petitioners/ Respondents in
Crl.O.P. No 7491/14

1.Ajay Raj
2.P.A.S Raj
3.Vimala Raj

...Petitioners in Crl.OP.
7492/14

Vs.

Jenifer Crawford

... Respondent in Crl.OP.
7491/14

1.The State,
Rep. by the Inspector of Police,
All women Police Station(East)
Coimbatore City,
Coimbatore.

2.Jenifer Crawford

...1st & 2nd Respondents in
Crl.OP. No. 7492/14

3.Jenifer Crawford

...Respondent in Crl. O.P. No.
7491/2014

Prayer in Crl.OP.NO.7491/2014: Petition filed under Section 482 of Cr.P.C., praying to call for the Record of the case in DVA No.23 of 2013 pending on the file of the Judicial Magistrate VI at Coimbatore and quash the same.

Prayer in Crl.OP.NO.7492/2014: Petition filed under Section 482 of Cr.P.C., praying to call for the Record of the case in CC. 116 of 2013 pending on the file of the Additional Mahila Court at Coimbatore and quash the same.



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In both Crl.OPs.

For Petitioner : Ms. R.S.Akila for
M/s Sudharamalingam

For Respondents : M/s. M.Palanivel for R1

COMMON ORDER

These criminal original petitions have been filed by the petitioners, viz the husband, parents in law, brother in law and sister in law, seeking to quash the proceedings in DVA No.23 of 2013, pending on the file of the Judicial Magistrate VI at Coimbatore and CC. 116 of 2013, pending on the file of the Additional Mahila Court at Coimbatore.

2. Jenifer Crawford, the respondent herein, who is the wife of the first petitioner namely Ajay Raj, has lodged a complaint before the Inspector of Police, All Women Police Station, against all the petitioners herein, stating that her marriage with the first petitioner herein was solemnized on 20.05.2009. At the time of marriage the petitioners herein demanded 135 sovereign of gold and 1 ½ kg of silver and also cash for Rs.5 Lakhs from the respondent herein. However, differences arose between the spouses leading to matrimonial discord and therefore the respondent filed the complaint based on which a case was registered by the respondent /police in Cr.NO.30/2012 against the petitioners and on completion of investigation, filed the charge sheet, which was taken on file as C.C.No.116/2013 on the file of the Additional Mahila Court Coimbatore.

3. The respondent /wife also initiated criminal proceedings against the petitioners by invoking the provisions of the Domestic Violence Act by lodging a complaint on the same set of allegations, before the Judicial Magistrate-VI, Coimbatore, which was taken on file as DVA No.23/2013. Now the petitioners have come forward with the present petitions seeking to quash the above criminal proceedings pending against them.

4.The learned counsel appearing for the petitioners would submit that, the respondent has lodged the complaints based on vague and false allegations only in order to harass and to make the petitioners to come to her terms. She would specifically contend that the proceedings against the petitioners 4 and 5 who are the Brother in law and Sister in law of the first petitioner, have nothing to do with the affairs and the matrimonial disputes are between the first petitioner/husband and respondent/wife and that the petitioners 4 and 5 are citizens of USA, living far away from the place of residence of the respondent/wife and they are in no way connected with the



respondent/ wife, much less in the nature of domestic relationship in order to attract the ingredients of Provisions of the Domestic Violence Act. She would further submit that these petitioners (4 & 5) were implicated by the respondent / wife primarily because they happen to be the brother in law and sister in law of the first petitioner/husband. She also submitted that petitioners 4 and 5 had met the respondent wife only one occasion, that too before marriage. Therefore, the learned counsel appearing for the petitioners would submit that no prima facie case has been made out against petitioners 4 and 5 in order to proceed further against them and the criminal proceedings pending against the petitioners 4 and 5, are liable to be quashed.

5.The learned counsel appearing for the respondent/wife on instructions would submit that as against the petitioners 4 and 5 there were no serious allegations and respondent/wife has no objection for quashing the proceedings against the petitioners 4 and 5. However, he would submit that as against the petitioners 1 to 3, the respondent/wife has made several allegations which have to be proved by letting in evidence and at this stage, it would not be appropriate to quash the proceedings against them.

6.This Court considered the submissions made by the learned counsel appearing for the petitioners as well as the learned counsel appearing for respondent/wife and in view of the fact that the petitioners 4 and 5 have nothing to do with the affairs of the first petitioner and his wife /respondent and that no prima facie case has been made out against them, I am inclined to quash the proceedings as against them. However as regards, petitioners 1 to 3, this Court is of the view that the petitioners have to face the trial and come out successful by letting in evidence to prove that they are innocent and the charges are baseless and at this stage it would not be appropriate to quash the proceedings against them which may prejudice the interest of the respondent/wife.

7. Accordingly, the proceedings pending in DVA No.23 of 2013, on the file of the Judicial Magistrate VI at Coimbatore and C.C.No. 116 of 2013, on the file of the Additional Mahila Court at Coimbatore are hereby quashed insofar as petitioners 4 and 5 alone are concerned.

8. Accordingly these criminal original petitions are partly allowed. Consequently, connected miscellaneous petitions are closed. At the stage, the learned counsel appearing for the petitioners would request that the personal appearance of the petitioners 1 to 3 may be dispensed with before the trial Court.



9. Taking into consideration the request as made by the learned counsel for the petitioner, this Court directs the learned Judicial Magistrate VI, Coimbatore and the learned Additional Mahila Court, Coimbatore, to expedite the trial in DVA No.23 of 2013 and in C.C.No. 116 of 2013 respectively, and complete the same as early as possible. The appearance of the petitioners 1 to 3 before the Trial Court are dispensed with except for their appearance for receiving copies under Section 207 of Cr.P.C., framing of charges, questioning under Section 313 of Cr.P.C. and on the day of judgment. If on any date the presence of the petitioners 1 and 3 is necessary it is open to the Court below to direct them to appear on those days.

10. With the above lines, these criminla original petitions are disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrs

To

- 1.The Judicial Magistrate VI at Coimbatore.
- 2.Additional Mahila Court Judge ,Coimbatore

+3cc to M/s. Sudha Ramalingam, Advocate, Sr.No.8222
+2cc to Mr.Palanivel, Advocate ,Sr.No.8324 & 8325

CrI.O.P.Nos. 7491 & 7492 of 2014and
MP.NOs.1 & 1 of 2014

MG (CO)
GS (14/07/2020)