

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.NO.20959 OF 2014

AND

CRL.M.P.NO.1 OF 2014

Giftson @ Giftson Manova

... Petitioner

Vs.

The State rep by,
Inspector of Police,
W-32 All Women Police Station,
Madipakkam,
Chennai - 600 091.
(Crime No.15 of 2012)

... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.90 of 2014 pending on the file of the Judicial Magistrate, Alandur and to quash the same.

For Petitioners : M/s.S.Shankar

For Respondents : Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.90 of 2014 on the file of the Judicial Magistrate Court, Alandur.

2.The respondent police filed the final report before the Court below against the petitioner/A5 and other accused for the offences under Sections 498(A), 420 of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 1988.

3.The learned counsel for the petitioner submitted that the petitioner has been roped in this case based on some vague allegations made against him. The learned counsel submitted that the criminal proceedings as against the petitioner is an abuse of process of Court and the same requires interference of this Court. The learned counsel further submitted that the petitioner has been roped in this case on the ground that he got married with the sister of the 1st accused. After the marriage, they were living separately 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 petitioner will have to establish his 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.This Court has carefully considered the submissions made on either side and also the materials available on record.

6.A careful reading of the final report shows that there is no allegation made against the petitioner/A5. Therefore, this Court is not inclined to interfere with the proceedings insofar as the 1st petitioner is concerned.

7.This Court perused the judgment of the Hon'ble Supreme Court of India in the case of Ramesh and others vs. State of Tamil Nadu reported in 2005 SCC (Cri) 735 and in the case of Rajesh Sharma and others vs. State of Uttar Pradesh and another reported in (2017) 3 MLJ (Cr1) 602 (SC) which was subsequently considered by a Bar & Bench. Social Action Forum for Manav Adhikar and Another vs. Union of India Ministry of Law and Justice and Others reported in (2018) 4 MLJ (Cr1) 426 (SC) wherein the Hon'ble Supreme Court deprecated the practice of roping in the in-laws as an accused in all cases involving an offence under Section 498(A) IPC.

8.In this case, except for some vague allegations made against the petitioner/A5, there are absolutely no materials to show that the petitioner had in any way acted with cruelty against the defacto complainant and the petitioner unnecessarily roped in as an accused and are made to face a criminal prosecution. The proceedings as against petitioner/A5 is an abuse of process of Court and the same requires interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

9.In the result, the proceedings in C.C.No.90 of 2014, pending on the file of the Judicial Magistrate Court, Alandur is hereby quashed insofar the petitioner is concerned. Accordingly this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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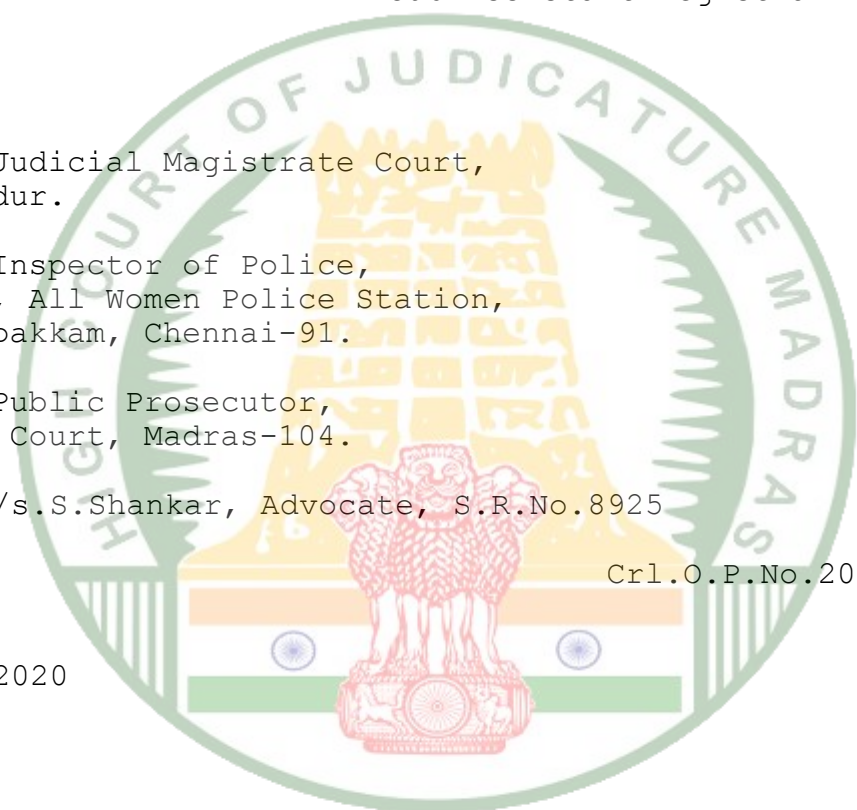
To

1. The Judicial Magistrate Court,
Alandur.
2. The Inspector of Police,
W-32, All Women Police Station,
Madipakkam, Chennai-91.
3. The Public Prosecutor,
High Court, Madras-104.

+1cc to M/s.S.Shankar, Advocate, S.R.No.8925

Cr1.O.P.No.20959 of 2014

BP(CO)
CS/13/03/2020

The seal of the High Court of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. The gopuram is flanked by two green trees. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green circle around the central image. Below the gopuram is a red lion capital on a base. At the bottom of the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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