

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.02.2020
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.10749 of 2014 & 24000 of 2016 and
Crl.M.P.No.1 of 2014

1.Somasundaram
2.Jotheeswari ... Petitioners in Crl.O.P.No.10749 of 2014
3.Thiyagarajan ... Petitioner in Crl.O.P.No.24000 of 2016

Vs.

1.State by:
Inspector of Police,
All Women Police Station,
Ranipet, Vellore District.
(Crime No.15 of 2011)

2.T.Mani ... Respondents in both Crl.O.Ps

PRAYER in Crl.O.P.No.10749 of 2014: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.143 of 2012 on the file of the District Munsif cum Judicial Magistrate, Ranipet and quash the proceedings.

PRAYER in Crl.O.P.No.24000 of 2016: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in connection with the C.C.No.143 of 2012 on the file of the learned District Munsif, Ranipet (Conferment of Criminal Jurisdiction) and quash the same.

Both Crl.O.Ps

For Petitioners: M/s.Kavitha Deenadayalan

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

For R2 : M/s.S.Sairam

COMMON ORDER

These Criminal Original Petitions have been filed seeking to quash the proceedings in C.C.No.143 of 2012, pending on the file of the District Munsif cum Judicial Magistrate Court, Ranipet.

2.The 2nd respondent has initiated a complaint against the petitioners before the 1st respondent, who on receipt of the same, registered a case in Crime No.15 of 2011 for the offence under Sections 498(A), 506(i) and Section 4 of the Dowry Prohibition Act, on the allegations that the petitioners subjected the daughter of the 2nd respondent to cruelty and made unlawful demand for property.

3.The learned counsel for the petitioners would submit that the 3rd petitioner is the son of the 1st and 2nd petitioners and husband of the 2nd respondent's daughter. He would further submit that the 2nd respondent had suppressed the earlier marriage of her daughter and death of her husband in an accident while obtaining the consent of the petitioners and their son for the second marriage. The learned counsel for the petitioners would further submit 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 respondent. The learned counsel would further submit that the criminal proceedings as against petitioners is an abuse of process of Court and the same requires interference of this Court.

4.The learned Additional Public Prosecutor appearing on behalf of the 1st respondent police would submit 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 respondent underwent cruelty in the hands of the petitioners. The learned counsel would further submit that sufficient allegations have been made against the petitioners in the complaint. Therefore, the learned counsel would submit that prima facie materials are available against the petitioners.

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 daughter of the 2nd respondent shows that there are sufficient allegations made against the 3rd petitioner, who is the husband. Therefore, this Court is not inclined to interfere with the proceedings insofar as the 3rd petitioner is concerned.

8.In this case, except for some vague allegations made against the 1st and 2nd petitioners, there are absolutely no materials to show that the in-laws had in any way acted with cruelty against the defacto complainant or have misappropriated the movable properties belonging to the defacto complainant. The proceedings as against 1st and 2nd petitioners 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.143 of 2012, pending on the file of the District Munsif cum Judicial Magistrate Court, Ranipet is hereby quashed insofar as the 1st and 2nd petitioners are concerned. Accordingly, Crl.O.P.No.10749 of 2014 is allowed and Crl.O.P.No.24000 of 2016 stands dismissed.

10.The Court below is directed to proceed further with the trial as against the petitioner (A1) and complete the proceedings as expeditiously as possible. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vv2

To

1.The District Munsif cum Judicial Magistrate
Ranipet.

2.The Inspector of Police,
All Women Police Station,
Ranipet, Vellore District.

3.The Public Prosecutor,
High Court, Madras.

3/4

+2 ccs to Mr.S.Sairaman Advocate sr16468
+3 ccs to Kavitha Deenadayalan Advocate sr16554,16555

Cr1.O.P.Nos.10749 of 2014 & 24000 of 2016

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