

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.25562 of 2014  
and M.P.No.1 of 2014  
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1.T.Ramesh  
2.Rajaammal  
3.R.Uma  
4.T.Mathaiyan  
5.Shanthi

...Petitioners

Vs

1.State  
rep. by Inspector of Police  
All Women Police Station  
Ammamet, Salem  
Crime No.2/2013

2.R.Prema

..Respondents

Prayer: Crl.O.P., filed under Section 482 of Cr.P.C., praying to call for records in C.C.No.3 of 2014 on the file of learned Additional Mahila (Magisterial Level) Court, Salem and Salem District and quash the same.

For Petitioner : Mr.C.D.Johnson

For Respondents : Mr.R.Surya Prakash,  
G.A.(Crl.Side) for R1  
Mr.S.Jayaseelan for R2.

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ORDER

The 1<sup>st</sup> respondent registered a case against the petitioners based on the complaint given by the 2<sup>nd</sup> respondent in Crime No.2 of 2013 for the offence under Sections 498A, 506(ii) IPC and Section 4 of Dowry Prohibition Act. The 1<sup>st</sup> respondent, after investigation, filed a charge sheet before Additional Mahila

Court (Magisterial Level), Salem. The charge sheet was taken on file in C.C.No.3 of 2014. During the pendency of the said C.C.No.3 of 2014, on the file of Additional Mahila Court (Magisterial Level), Salem, the accused have filed the present petition before this court under section 482 of Cr.P.C., to quash the complaint.

2. The learned counsel for the petitioners would submit that only in order to harass the petitioners, the 2<sup>nd</sup> respondent has filed a case against the petitioners before the 1<sup>st</sup> respondent. The 1<sup>st</sup> respondent, without enquiry and examination of witnesses, filed charge sheet. The learned Magistrate, also failed to consider that there is no prima facie evidence and there is no allegation made as against the petitioners to take cognizance. Therefore, the complaint has to be quashed.

3. The learned Government Advocate (Criminal Side) appearing for the 1<sup>st</sup> respondent would submit that in view of the order of stay granted by this court, they could not proceed further with the investigation.

4. Heard both sides and perused the materials available on record.

5. On careful perusal of the report filed by the 1<sup>st</sup> respondent under Section 173 Cr.P.C, shows that prima facie there is allegation against the petitioners and the investigation also reveals that all the petitioners are involved in the offence. Therefore, under these circumstances, this court is not inclined to quash the case in C.C.No.3 of 2014 pending on the file of Additional Mahila Court [Magisterial Level], Salem, against the petitioners. However, the petitioners are at liberty to take their defence before the trial court.

6. The Criminal Original Petition is dismissed on the above observation. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CS VI )

/true copy/

Sub Asst. Registrar

nvsri

To

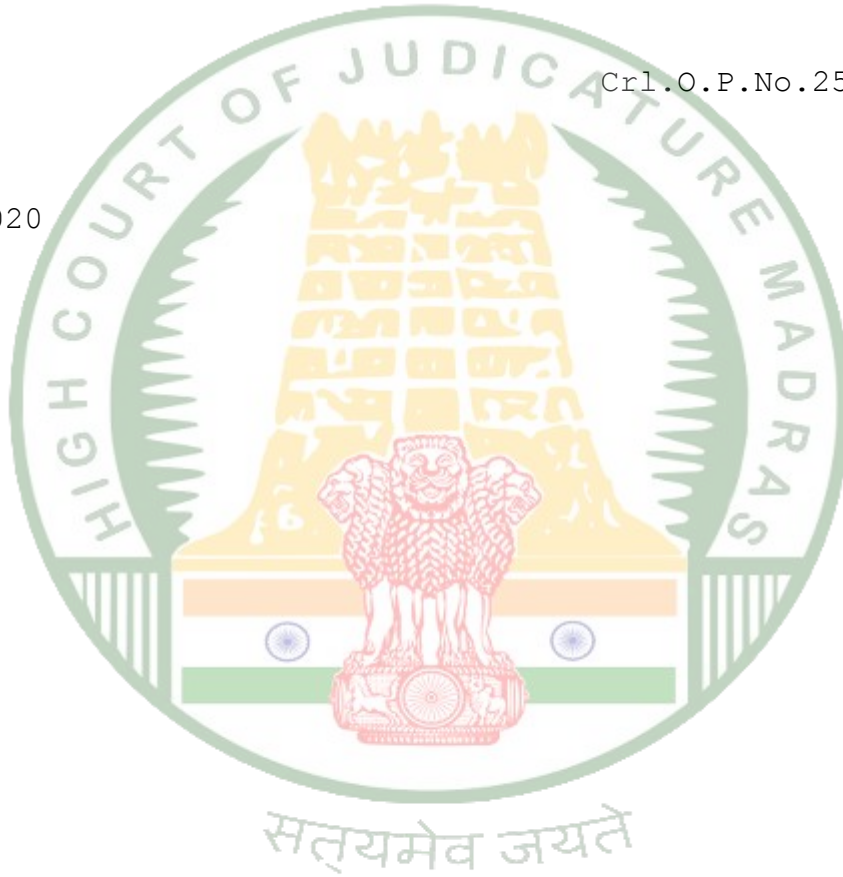
1.The Additional Mahila (Magisterial Level) Court, Salem,  
Salem District.

2.The Section Officer, Criminal Section, High Court, Madras.

3. The Public Prosecutor  
High Court Madras

Crl.O.P.No.25562 of 2014

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aa11/03/2020



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