



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.11.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

Crl.O.P. (MD)No.12311 of 2020

and

Crl.M.P(MD) .Nos.5551 and 5552 of 2020

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1.Babu
2.Pandidurai
3.Indrani
4.Kumar
5.Manimegalai
6.Shanthi
7.Sasikala

... Petitioners/Respondents 1 to 7

Vs.

Nithya Kalyani Babu

...Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned proceedings made in D.V.O.P.No.6 of 2020 on the file of the learned Judicial Magistrate, Melur and quash the same.

For Petitioners : Mr.R.M.Anbu Nithi

O R D E R

This Criminal Original Petition has been filed to call for the records relating to the impugned proceedings made in D.V.O.P.No.6 of 2020 on the file of the learned Judicial Magistrate, Melur and quash the same.

2.The case of the petitioners is that the first petitioner is the husband of the respondent and the petitioners 2 and 3 are father -in-law and mother-in-law of the respondent and the petitioners 4 to 7 are in-laws of the respondent. According to the petitioners, the respondent made a false complaint that the first petitioner frequently quarreled with the respondent by demanding 50 sovereigns as dowry. Hence, the respondent has lodged the present false complaint in D.V.O.P.No.6 of 2020 on the file of the Judicial Magistrate, Melur.

3.The learned counsel for the petitioners would state that the respondent left her matrimonial home without intimation to the first petitioner. The petitioners are only in laws of the respondent and they are no way connected with the said occurrence.



4.Heard the learned counsel for the petitioners and perused the materials available on record. In view of the order going to be passed, notice to the respondent is not necessary.

5.The Hon'ble Supreme Court by judgment dated 02.12.2019 in **Crl.A.No.1817 of 2019 in the case of M.Jayanthi vs. K.R.Meenakshi and another** has held as follows:-

'9.It is too late in the day to seek reference to any authority for the proposition that while invoking the power under Section 482 Cr.P.C for quashing a complaint or a charge, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. The Court may also be entitled to see (i) whether the preconditions requisite for taking cognizance have been complied with or not; and (ii) whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged.'

6.Here in the present case, the complainant had made specific allegations in the complaint filed against the petitioners and therefore, the grounds raised in this petition can be gone into only in a full-fledged trial. However, considering the age of the petitioners, the personal appearance of the petitioners 2 to 7 before the trial Court is dispensed with except during the dates on which, the learned Judicial Magistrate insists their appearance if it is necessary. Considering the facts and circumstance of the case, the learned Judicial Magistrate, Melur, is directed to conclude the entire trial proceedings within a period of six months from the date of receipt of a copy of this order.

7.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

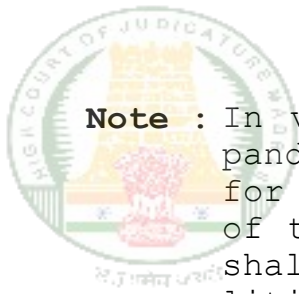
Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

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To

- 1.The Judicial Magistrate
Melur
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.12311 of 2020
and
Crl.M.P (MD) .Nos.5551 and 5552 of 2020
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PU(CO)
AP(24/11/2020) 3P 3C