



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.11.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD)No.12853 of 2020

and

Crl.M.P (MD) .Nos.5871 and 5872 of 2020

WEB COPY

1.Varghese
2.Mariya Renjitham (Renjitham)
3.Robert (Christhu Robert)
4.Maria Vanaja
5.Maria Vasantha (Viji) ... Petitioners/accused
Nos. 2 to 6

Vs.

1. State rep.by
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District. ... Respondent/Complainant
2.Moni Berla ... Respondent/ defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records of charge sheet in C.C.No.85 of 2020 on the file of the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District and quash the same against the petitioners.

For Petitioners : Mr.S.Ramakrishnan
For 1st Respondent : Mrs.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to call for the records relating to the charge sheet in C.C.No.85 of 2020, under Sections 498(A), 406, 294(b), 323, 506(i) of I.P.C and Sections 4 and 6 of Dowry Prohibition Act, 1961, on the file of the learned Judicial Magistrate No.I, Padmanabhapuram and quash the same.

2.The case of the petitioners/A2 to A6 is that the first accused is the husband of the second respondent and the petitioners are in-laws of the second respondent. He would further submit that the marriage was solemnized between the second respondent and first accused on 05.12.2011. There was some misunderstanding between them, for which, the defacto complainant left her matrimonial home without any intimation to her husband/first accused. The petitioners are only in laws of the respondent and they are no way connected with the said occurrence. According to the petitioners, the second



respondent made a false complaint against them.

3. 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 second respondent is not necessary.

4. 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.'

5. 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, the petitioners are in-laws. Their personal appearance 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 No.I, Padmanabapuram, is directed to conclude the entire trial proceedings within a period of eight months from the date of receipt of a copy of this order.

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

Sd/-

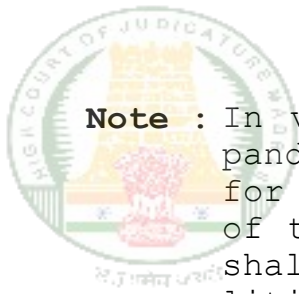
Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

das



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 No.I,
Padmanabapuram.
2. The Chief Judicial Magistrate,
Kanniyakumari District.
3. The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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ARK (CO)
CS (26.11.2020) 3P 5C