



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2020

CORAM:

WEB COPY

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P.(MD).No.13243 of 2020
and
Crl.M.P.(MD) No.6080 of 2020

1.Kulanthaivel
2.Buvaneswari
3.Ayyammal
4.Muniyandi
5.M.Kalaiyarasan
6.Aandi

..Petitioners/A1 to A6

vs.

1.State represented through
The Inspector of Police
Vadamadurai Police Station
Dindigul District
(Crime No.1431 of 2020)

..1st Respondent/Complainant

2.R.Sangarammal

..2nd Respondent/Defacto Complainant

PRAYER: This Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the case in Crime No.1431 of 2020 pending on the file of the Inspector of Police, Vadamadurai Police Station, Dindigul District and quash the same as against the petitioners.

For Petitioners: Mr.R.Anand

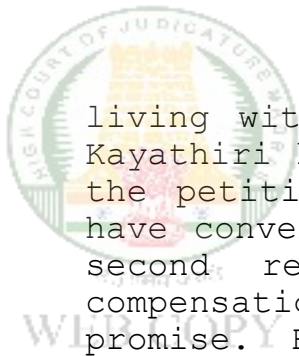
For R1 : Ms.S.E.Veronic Vincent

Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to call for the entire records pertaining to the case in Crime No.1431 of 2020 pending on the file of the Inspector of Police, Vadamadurai Police Station, Dindigul District and quash the same as against the petitioners.

2.The learned counsel appearing for the petitioners would state that the second respondent's son Packiyaraj had eloped with one Kayathiri and taken her to his village and started a joint



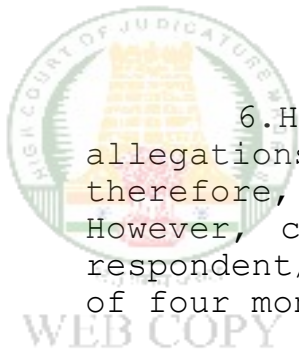
living with her as husband and wife. It is alleged that the said Kayathiri had already been married to one Kulanthaivel. Thereafter, the petitioners herein for set righting everything in this regard have convened a Panchayat, in which, a decision was taken that the second respondent has to pay a sum of Rs.10,00,000/- as compensation. But, second respondent's son has not turned to his promise. Hence, the petitioners went to the house of the 2nd respondent and assaulted some of the inmates available there. Based on the complaint given by the second respondent, a case was registered against the petitioners in Crime No.1431 of 2020 for the offence under Sections 147, 447, 294(b), 323, 324, 427, 506(ii) I.P.C and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. The learned counsel further submitted that the whole F.I.R is based on malafide action and hence, the same is liable to be quashed.

3.The learned Government Advocate (Crl.Side) appearing for the first respondent, on instructions, would submit that the defacto complainant's son is living with the wife of the first accused. The first accused's divorce petition is pending before the concerned Court. In the circumstances, a Panchayat was conducted where the petitioners demanded a sum of Rs.10,00,000/- as compensation from the defacto complainant. When the same was refused by the defacto complainant, the petitioners herein have trespassed into the defacto complainant's house and threatened her with dire consequences and also damaged her house.

4.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) appearing for the first respondent and perused the materials available on record. Since no adverse order going to be passed against the second respondent, notice to her 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 now. However, considering the facts and circumstances of the case, the respondent/Police is directed to file charge sheet within a period of four months from the date of receipt of a copy of this order.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa

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.

To

1. The Inspector of Police
Vadamadurai Police Station
Dindigul District
2. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai

CrI.O.P. (MD).No.13243 of 2020
and
CrI.M.P. (MD) No.6080 of 2020

23.11.2020

MJ (CO)
NR (08/01/2020) 3P : 3C