



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2020

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRL.O.P.(MD)No.13620 of 2020

and

CRL(MD)Nos.6249 and 6251 of 2020

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1)Abirama Sundari

2)Suriya Priya

: Petitioners/Accused 2 & 3

vs.

1)The Inspector of Police,
All Women Police Station,
Thallakulam, Madurai.

Crime No.331/2018

: 1st Respondent

2)M.Ilakiya

: 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.823 of 2019 on the file of the learned Additional Mahila Court, Madurai, pending investigation and quash against the petitioners concerned.

For Petitioners : Mr.Chamundi Bose

For R1

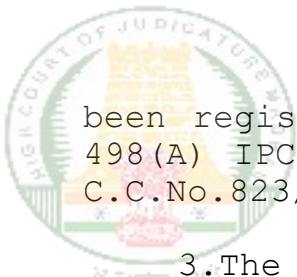
: Mr.V.Neelakandan

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records in C.C.No.823 of 2019 on the file of the learned Additional Mahila Court, Madurai, pending investigation and quash against the petitioners concerned.

2.The petitioners would state that they are the mother-in-law and sister-in-law of the 2nd respondent/defacto complainant who married one Suriya Prakash/A1. It is alleged that during the marriage, the parents of the 2nd respondent gave her 25 sovereigns of gold and sridhana articles and within one month from the date of marriage, A2/1st petitioner on the instigation of A3/2nd petitioner, demanded Rs.3 lakhs as dowry from the 2nd respondent and threatened her that A1 will not live with the handicapped wife/defacto complainant. Later on, 30.03.2018, when A1 came from abroad, there was a mediation, in which, A1 said that he cannot live with handicapped wife and made allegations against her. It is also alleged that since the defacto complainant is a physically challenged person, A1 refused her and married to another girl. With the above allegations, the 2nd respondent gave complaint which has



been registered in Crime No.33/2018 for the offences under Section 498(A) IPC and after investigation, charge sheet has been filed in C.C.No.823/2019.

3.The learned counsel for the petitioners would state the 2nd respondent never lived with the petitioners at the matrimonial home more than 7 days and she left the matrimonial home taking all her belongings and therefore, complaint of continuous torture is baseless. The deformity suffered by the defacto complainant was suppressed from the petitioners. Thus, he would pray to quash the charge sheet filed in C.C.No.823/2019.

4.The learned Additional Public Prosecutor would state that the petitioners were charged for the offences under Section 498(A) IPC and the grounds raised in this petition can be proved only in a full-fledged trial and therefore, the interference of this Court is not necessary.

5.Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor. In view of the order going to be passed, notice to the 2nd respondent is not necessary.

6.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.''

7.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 and the petitioners are at liberty to raise the grounds in this petition before the trial Court. However, considering the facts and circumstances of the case, the personal appearance of the petitioners before the trial Court is dispensed with except during the dates on which, the learned Judge insists their appearance if it is necessary. The learned Judge, Additional Mahila Court, Madurai, 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.



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

Sd/-

Assistant Registrar (AD-II)

WEB COPY

// True Copy //

/ /2020

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.

To

- 1.The Additional Mahila Court,
Madurai.
- 2.The Inspector of Police,
All Women Police Station,
Thallakulam, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
Crl.O.P. (MD)No.13620 of 2020
DATED : 30.11.2020

KM(CO)
CS(07.12.2020) 3P 4C