



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD)No.15427 of 2020

and

Crl.MP(MD) Nos.7509 & 7510 of 2020

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1.S.Manickam Ambalam

2.M.Amirtham Ammal

... Petitioners/ Respondents

2&3

Vs.

1.M.Muthulakshmi

2.Minor.Gokul

3.Minor.Aswin

...Respondents/Petitioner

(Respondents 2 and 3 are minors
Rep.through their mother
and natural guardian the 1st Respondent)

Prayer: This Criminal Original petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in D.V.C.No.5 of 2020 on the file of the District Munsif cum Judicial Magistrate Court, Singampunari and quash the same as illegal.

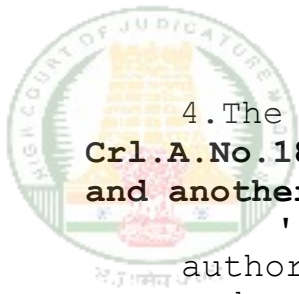
For Petitioner : Mr.V.S.Kishok Kumar

O R D E R

This Criminal Original Petition has been filed to quash the case in D.V.C.No.5 of 2020 on the file of the District Munsif-cum-Judicial Magistrate Court, Singampunari.

2.The learned counsel for the petitioners would submit that the first respondent is the daughter-in-law of the petitioners. The marriage between the first respondent and the petitioners' son was solemnized on 07.06.2006 and they resided in the matrimonial home for a period of six months. Thereafter, they moved to chennai and lived till 2010. In pursuance of their marriage, they were blessed with two male children. Thereafter, the petitioners' son left to Malaysia for his employment and return back to India only on August 2020. The defacto complainant/first respondent lodged a complaint alleging that the petitioners are harassing and demanding jewels. A case was registered as DVC No.5 of 2020 by the learned District Munsif cum Judicial Magistrate, Singampunari. According to the petitioner, the case has been registered with a malafide intention. Hence, he would pray to quash the above case.

3.Heard the learned counsel for the petitioners and perused the materials available on record. Since no adverse order is going to be passed, notice to the respondents is dispensed with.



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. Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings in D.V.C.No.5 of 2020 on the file of the District Munsif cum Judicial Magistrate, Singampunari. However, there shall be a direction to the learned District Munsif cum Judicial Magistrate, Singampunari to dispose of the case in D.V.C.No.5 of 2020, within a period of six months from the date of receipt of a copy of this order. The personal appearance of the petitioners before the trial Court is dispensed with, except on the date that the learned Judicial Magistrate insists their presence.

6. Accordingly, with the above observations, this Criminal Original Petition is dismissed. Consequently, connected Crl.M.P (MD).No.7509 of 2020 is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 District Munsif cum Judicial Magistrate,
Singampunari.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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