



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.16751 of 2015

and

M.P. (MD) No.1 of 2015

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- 1.Rahmadhulla
- 2.T.K.Sahul Hameed
- 3.Mymoon Sulaikhan
- 4.Mumtaj Begam
- 5.Sahulla Begam @ Banu
- 6.M.Miyassha
- 7.S.Abdul Kadhar
- 8.S.Jinnah
- 9.S.Mohammed Yusuf

... Petitioners/Accused Nos 1 to 9

Vs.

- 1.The Inspector of Police,
Puliyangudi Police Station,
Tirunelveli District.
- 2.Fathima

...1st Respondent/Complainant

...2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.191 of 2014 on the file of Judicial Magistrate, Sivagiri, Tirunelveli District and quash the same as illegal.

For Petitioners : Mr.V.P.Rajan

For Respondents : Mr.K.K.Ramakrishnan

Addl. Public Prosecutor for R1

Mr.S.M.A.Jinnah for R2

O R D E R

The petitioners are facing trial in C.C.No.191 of 2014 on the file of the learned Judicial Magistrate, Sivagiri for the offences under Sections 147, 498(A) of I.P.C. and Section 4 of Dowry Prohibition Act. The second respondent is the defacto complainant. She got married to the first petitioner herein on 08.03.2004. The matrimonial relationship came under strain and that led to registration of Crime No.392 of 2010 on the file of Puliyangudi Police Station. The matter was investigated and final report was filed against all the petitioners herein and the same was taken on file by the Court below. To quash the same, this criminal original petition has been filed.

2.When the matter was taken up for hearing on the last occasion, I indicated to the learned counsel appearing for the second respondent that the petitioners 1 to 3 will have to face the trial and that I am inclined to quash the proceedings as regards



the petitioners 4 to 9.

3.The learned counsel appearing for the second respondent submitted that the third petitioner is no more and that the first petitioner is in arrears of maintenance amount. He quantified the quantified the maintenance arrears at Rs.3,90,000/-. Hence, this criminal original petition is closed as far as the third petitioner is concerned.

4.Today when the matter was taken for hearing, the learned counsel appearing for the petitioners produced three cheques totalling a sum of Rs.3,75,000/- and the same has since been handed over to the learned counsel appearing for the second respondent.

5.The petitioner's counsel also seeks leave to withdraw this criminal original petition as regards the petitioners 1 and 2. He states that the petitioners 1 and 2 will contest the case on merits.

6.Permission is granted and the this criminal original petition is dismissed as withdrawn as regards the petitioners 1 and 2 are concerned. It is made clear that this Court has not gone into the merits of the matter. All their contentions and defences are left fully open.

7.The petitioners 4 to 9 are only in-laws. The primary allegations have been made only against the petitioners 1 to 3. Therefore, the second respondent also has no objection to quash the impugned proceedings as regards the petitioners 4 to 9. It is made clear that this concession given by the second respondent will not be taken advantage by the petitioners 1 and 2 while conducting their defences. The same will not enter the mind of the Court below also while pronouncing the guilt or otherwise of the petitioners 1 and 2.

8.The first petitioner gives a further undertaking that he shall deposit the monthly maintenance amount in the bank account of the second respondent without any default. The learned counsel appearing for the second respondent has also furnished the bank account details of the second respondent which are as under:-

"Ms.Fathima

Account No:62082250022620

IFSC Code : SYNB0006208

Thiruppalai Branch

Syndicate Bank"

9.The petitioners' counsel gives a specific undertaking on instructions that notwithstanding the out come of these proceedings the order of granting maintenance to the second respondent will be honoured. I make it clear that I have not gone into the other claims of the second respondent.

10.With these observations, this criminal original petition is partly allowed.



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Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate,
Sivagiri, Tirunelveli District.

2.The Inspector of Police,
Puliyangudi Police Station,
Tirunelveli District.

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

+1 CC to M/s.V.P.RAJAN, Advocate (SR-578[F] dated 07/01/2020)

+1 CC to M/s.S.M.A.JINNAH, Advocate (SR-740[F] dated 08/01/2020)

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