



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.13383 of 2016

and

Crl.M.P. (MD)No.6260 of 2016

WEB COPY

- 1.Rajesh
- 2.Packiyamani
- 3.Poorani (Poornima)
- 4.Selvi
- 5.Karthirvel
- 6.Amutha

... Petitioners/Accused No. 1 to 6
-vs-

- 1.State represented by
The Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District.
(Crime No.17 of 2016)

... 1st Respondent/Complainant

- 2.Soornam

...2nd Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the First Information Report pertaining to the case in Crime No.17 of 2016 on the file of the first respondent police and quash the same.

For Petitioners : Mr.S.Ramasamy
For R1 : Mr.A.Robinson
Government Advocate (Crl.side)
For R2 : Mr.T. Lajapathi Roy

ORDER

This Criminal Original Petition has been filed for quashing the First Information Report in Crime No.17 of 2016 on the file of the Inspector of Police, All Women Police Station, Nagercoil. The defacto complainant is the second respondent herein.

2.The case of the prosecution is that the first petitioner had agreed to marry the daughter of the defacto complainant and a betrothal function was also conducted. Subsequently, the marriage could not take place on account of the dowry demand made by the petitioners herein. Based on these allegations levelled by the defacto complainant, the impugned First Information report was registered for the offences under Sections 294(b), 323, 406, 506(i) of IPC and Section 3(1) of Dowry Prohibition Act, 1961. To quash the same, this Criminal Original Petition has been filed.



3.Heard the learned counsel on either side.

4.The learned counsel for the petitioner would point out that the daughter of the defacto complainant was already married to one Mohamed Sardar, S/o. Beer Mohamed. The first petitioner came to know about the same after the betrothal function was over. That is why, he decided to call off the entire arrangement. In fact, the first petitioner had filed Crl.M.P.No.1705 of 2016 before the judicial Magistrate No.III, Nagercoil for prosecuting the defacto complainant, her daughter Ponmani Abirami and son Sivamanikandan. After receiving a notice in the private complaint, as a counter blast, this First Information Report has been lodged.

5.The learned counsel for the petitioners drew my attention not only to the marriage certificate issued by the Marriage Registrar of Kamuthi, but also the complaint lodged by the defacto complainant's daughter before the All Women Police Station, Sivakasi. It is now submitted that Ponmani Abirami had rejoined with her parents and got married also.

6.I am of the view that the very registration of the impugned First Information Report against the petitioners herein is not justified. At the same time, I felt that the case initiated by the first petitioner should also be given a quietus.

7.The learned counsel for the petitioner on instructions fairly states that the first petitioner would not prosecute the case against the defacto complainant and her family.

8.The learned counsel for the defacto complainant states that the second respondent herein had already filed Crl.O.P.(MD)No.15405 of 2017 before this Court and as and when it is listed, the first petitioner, through his counsel will give his no objection for allowing the same and for quashing the complaint filed by him against the defacto complainant and her family members.

9.In this view of the matter, recording the said undertaking given by the learned counsel for the petitioners, the impugned First Information Report in Crime No.17 of 2016 on the file of the All Women Police Station, Nagercoil, stands quashed and this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



1.The Inspector of Police, All Women Police Station,
Nagercoil, Kanyakumari District.

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

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-8328[F] dated
26/02/2020)

+1 CC to Mr.S.RAMASAMY, Advocate (SR-8553[F] dated 26/02/2020)

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