



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:15.10.2020
CORAM
THE HONOURABLE Mr.JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.(MD).No.20234 of 2016

and

CrI.M.P.(MD).Nos.10167 and 10168 of 2016

WEB COPY

1.M.Vincent Dass
2.M.Joseph Fathima Mary
3.M.Chinnappan @ David

: Petitioners/Accused 1 to 3

Vs

1. State represented by its,
The Inspector of Police,
All Women Police Station,
Thiruvadaanai,
Ramanathapuram District.
Crime No.10 of 2015

2. K.P.Selvam

: Respondents

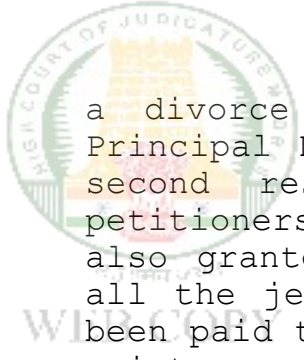
PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, praying to call for the records relating to the proceedings in C.C.No.43 of 2016 on the file of the learned Judicial Magistrate, Thiruvadanai, in Crime No.10 of 2015 on the file of the second respondent Police and quash the same.

For Petitioners	: Mr.A.V.Rajasekaran
For R-1	: Mr.KR.Bharathi Kannan Government Advocate (CrI.Side)
For R-2	: No appearance

ORDER

This petition has been filed to quash the proceedings in C.C.No.43 of 2016 on the file of the learned Judicial Magistrate, Thiruvadanai, as against the petitioners.

2.The learned counsel appearing for the petitioners submitted that the petitioners are arraigned as A1 to A3 on the complaint lodged by the second respondent herein and the same was registered in Crime No.10 of 2015 for the offence under Sections 498 (A), 294(b), 323 and 506(i) of IPC r/w Section 4 of Dowry Prohibition Act. He further submitted that the third petitioner herein got married with the daughter of the second respondent herein on 13.06.2013. There was a matrimonial dispute between them, she left the matrimonial home. Therefore, the third petitioner has filed



a divorce petition in IDOP.No.27 of 2014 on the file of the Principal District Judge. While that being so, the daughter of the second respondent has lodged several complaints against the petitioners. Based on the compromise memo, the trial Court has also granted divorce on 29.01.2015. According to the compromise, all the jewels and household articles and a sum of Rs.3 lakhs has been paid to his wife. Further, a sum of Rs.4 lakhs was also paid as maintenance amount to her. Therefore, the impugned complaint lodged by the second respondent only to extract the money from the petitioners. Hence, he prayed to quash the proceedings.

3.Though notice was served to the second respondent, no one appeared on behalf of him through person or pleader.

4.The learned Government Advocate (Crl. Side) appearing for the first respondent Police submitted that based on the complaint lodged by the second respondent, the first respondent police has registered the case in Crime No.10 of 2015. After completion of investigation, a final report has been filed in C.C.No.43 of 2016, for the offence under Sections 498(A), 294(b), 323 and 506(i) of IPC r/w Section 4 of Dowry Prohibition Act. He further submitted that there are specific allegations as against the petitioners and as such those grounds cannot be considered under Sections 482 and hence, he prayed for dismissal of this petition.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent Police.

6.On perusal of the materials available on records, it is seen that the petitioners are arraigned as A1 to A3. The third petitioner got married the daughter of the second respondent herein on 13.06.2013. Due to matrimonial dispute, the second respondent's daughter left the matrimonial home. Therefore, the third petitioner has filed a divorce petition in IDOP.No.27 of 2014 on the file of the Principal District Judge, Pudukottai. During pendency of the divorce petition, there was a compromise between them and both of them entered into compromise. On the strength of the compromise, the family Court has granted divorce to the third petitioner and daughter of the second respondent herein. The family Court categorically recorded that the daughter of the second respondent has received a sum of Rs.4 lakhs as maintenance and also received jewels and household articles on 29.01.2015. Again the father-in-law of the third petitioner has lodged another complainant on the very same allegation suppressing the earlier compromise.

7.In view of the above discussion, this Court felt that after compromise the entire issues have been settled and even then divorce has been granted to the third petitioner and the daughter of the second respondent herein, whereas, the second respondent has lodged the present complaint only to extract money from the petitioners



herein. It is nothing but clear abuse of process of law and hence, the petition is liable to be quashed.

8. Accordingly, this criminal original petition stands allowed and the case in C.C.No.43 of 2016 on the file of the learned Judicial Magistrate, Thiruvadanai, is quashed. Consequently, the connected Criminal Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

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 Judicial Magistrate,
Thiruvadanai.
2. The Inspector of Police,
All Women Police Station,
Thiruvadaanai,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD) .No.20234 of 2016
and

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SJ(CO)
CS(27.11.2020) 3P 4C