



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2020

CORAM:

THE HONOURABLE **DR. JUSTICE G. JAYACHANDRAN**

WEB COPY

Crl.O.P. (MD) .Nos.22457 of 2015 and 22822 of 2016

and

Crl.M.P. (MD) .Nos.11951 and 11952 of 2016

and

M.P. (MD) .Nos.1 and 2 of 2015

1.K.Rajalakshmi

2.K.Venkatasubramanian

.. Petitioners

in Crl.O.P. (MD) .No.22457 of 2015

1.Essakkaiammal

2.Ramachandran

3.Kubendran

.. Petitioners

in Crl.O.P. (MD) .No.22822 of 2016

Vs.

1.The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.

2.Muthuselvi

.. Respondents in both Crl.O.Ps.

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in C.C.No.18 of 2015 on the file of the District Munsif Court cum Judicial Magistrate Court, Cheranmahadevi and quash the same.

For Petitioners : Mr.J.John
for R.Meenakshi Sundaram
(in Crl.O.P. (MD) .No.22822 of 2016)

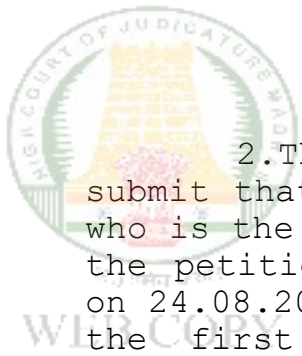
For Petitioners : Mr.P.Senthur Pandian
(in Crl.O.P. (MD) .No.22457 of 2015)

For 1st Respondent: Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

For 2nd Respondent : No appearance
(Both Crl.O.Ps.)

COMMON O R D E R

This petition is filed under Section 482 of Cr.P.C., to quash the criminal proceedings in C.C.No.18 of 2015 on the file of the District Munsif Court cum Judicial Magistrate Court, Cheranmahadevi.



2.The learned counsel appearing for the petitioners would submit that the petitioners are in-laws of the defacto complainant, who is the wife of the first accused. The specific complaint against the petitioners is that the defacto complainant married K.Karthick on 24.08.2011. Immediately after marriage, the petitioners including the first accused forced the defacto complainant's father to alienate 68 cents of land held in the name of the defacto complainant's father. Accordingly, the said land was sold to the first accused, 51 sovereigns of gold jewels and cash and household articles worth about Rs.5,00,000/- were given during the marriage, which was pledged by the first accused and his family. Thereafter the petitioners joined together and started ill-treating the defacto complainant, which forced her to leave the matrimonial home on 24.02.2012. The defacto complainant delivered a male child on 27.08.2012. Since 24.02.2012 the defacto complainant is living in her parent house.

3.The learned counsel appearing for the petitioners would submit that Accused No.5 and 7 are no way connected with A1 family and they have been roped in the criminal case falsely. They belonged to same community and they were working as VAO and Thalayari and A4 is the sister of A1, she got married in the year 2009 and living separately. A6 is the brother-in-law of the defacto complainant, who has no connected with the family, since he married a girl out of the caste.

4.The learned counsel appearing for the petitioners specifically emphasized that in the HMOP proceedings initiated for divorce, the defacto complainant herself has admitted that A6 has no connection with A1 family, though he is brother of A1 and there are enough material to show that A4, who is the sister of A1, got married before the defacto complainant married A1, she and her husband are residing at Chennai. While A5 and A7 no way connected to the accused family they are roped in the case want only.

5.Per contra, the learned Government Advocate (Crl. Side) appearing for the first respondent Police would submit that in the course of investigation enough material has been collected to show that gold ornaments given by the defacto complainant's parents as Sreethana taken away and land was transferred as if sale deed in favour of A1 the civil Court decree prima facie proves that the property was forcibly taken away from the defacto complainant's father. The entrustment of property to the accused person is spoken by witness and the same is recorded during the course of investigation. As far as A5 and A7, they are closely related to A2. They were with A1 family during the negotiation of dowry and during the property being transferred forcibly in the name of A1. Hence, learned Government Advocate (Crl. Side) submitted that there is evidence available as against all these accused, if proved



during the trial will end in conviction and therefore, the quash petition is unsustainable.

6.In response, the learned counsel appearing for the petitioners would submit that the 68 cents of land sold in favour of A1 for proper consideration and though decree has been passed in favour of the defacto complainant's father, an appeal is filed and the same is pending. Further more, he would submit that there is no material to show that any entrustment of property as against the petitioners herein.

7.On going through the pleadings and submissions, this Courts finds that there are some materials against other petitioners, which requires trial. Except A6, Who is the brother-in-law of the defacto complainant, who was not having any contact with A1 family and living separately and the said fact is admitted by the defacto complainant herself in the subsequent proceedings. The material against them if proved there is scope for their conviction.

8.Therefore, this Court is of the considered view that in respect of Crl.O.P.(MD).No.22822 of 2016, there are materials to proceed against the petitioners for the alleged offences under Sections 498(A), 294(b), 406, and 506(i) of IPC and Section 4 of Dowry Prohibition Act. Hence, this criminal original petition is dismissed.

9.As far as the second petitioner in Crl.O.P.(MD).No.22457 of 2015, the prosecution against him is hereby quashed and as far as the first petitioner, this criminal original petition is dismissed.

10.With the above directions, the petition in Crl.O.P.(MD).No.22457 of 2015 is partly allowed in respect of second petitioner Venkatasubramanian and the petition in Crl.O.P.(MD).No.22822 of 2016 is dismissed. The trial Court is directed to expedite the trial in C.C.No.18 of 2015 and dispose it of at the earliest, if any of the accused file a petition under 205 Cr.P.C or 317 Cr.P.C, the same may be considered on merits. Consequently, the connected criminal miscellaneous petitions are closed.

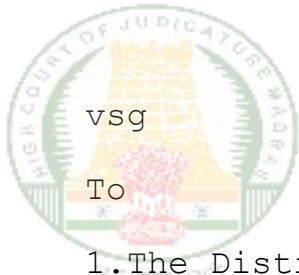
Sd/-

Assistant Registrar (A.D.II)

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Sub Assistant Registrar(CS)



1.The District Munsif Court
cum Judicial Magistrate Court,
Cheranmahadevi.

2.The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.

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

+2CC to Mr. P. SENTHUR PANDIAN, ADVOCATE in SR.NO.11464
Dated.12.03.2020

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and

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PU (18.05.2020) 4P 6C