



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.3850 of 2016

and

Crl.M.P. (MD)Nos.1934 and 1935 of 2016

M.Geetha

... Petitioner/Accused No.4

Vs.

1.State rep by

The Inspector of Police,
All Women Police Station,
Pudukkottai, Pudukkottai District.

(Crime No.5 of 2014)

... Respondent / Complainant

2.G.Kavitha

...Respondent / Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records from the lower Court to quash all the further proceedings in C.C.No.60 of 2015 pending on the file of the Judicial Magistrate Court, Pudukkottai and quash the same concerning the petitioner.

For Petitioner : Mr.S.Udhaya Kumar

For Respondents : Mr.A.Robinson

Govt. Advocate (Crl. Side) for R1

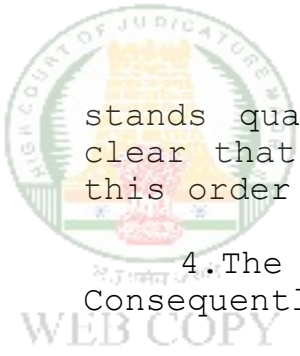
Mr.J.Anandkumar for R2

O R D E R

The petitioner is facing trial in C.C.No.60 of 2015 on the file of Judicial Magistrate, Pudukkottai for the offences under Sections 498(A), 406 and 506(i) of I.P.C., and Section 4 of Dowry Prohibition Act.

2.The second respondent herein is the defacto complainant. The defacto complainant got married to A1/Sambasivam @ Raja Sthapathy on 20.01.2014. It appears that the matrimonial life did not last long. Even during the relevant time, the petitioner herein was residing at Malaysia. The petitioner happens to be the sister of A1. The petitioner shifted to Malaysia long time back. Except her relationship with A1, there is absolutely nothing to fasten penal liability on the petitioner herein. I am of the view that the defacto complainant should carry on her battle only with her husband and parents-in-law. There is absolutely no justification in robbing the petitioner herein. Therefore, the continuance of the impugned prosecution against the petitioner can only be characterised as an abuse of legal process.

3.It is necessary to mention here that I have already dismissed the quash petition filed by the husband and parents-in-law. Therefore, to serve the ends of justice, the impugned proceeding



stands quashed only as regards the petitioner alone. I make it clear that the husband and parents-in-law cannot take advantage of this order quashing the proceedings against the petitioner herein.

4.The criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CrI.side)

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Sub Assistant Registrar(CS)

ias

To

1.The Judicial Magistrate,
Pudukkottai.

2.The Inspector of Police,
All Women Police Station,
Pudukkottai,
Pudukkottai District.

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

+1cc to Mr.J.Anandkumar, Advocate, Sr.No.1033

CrI.O.P(MD)No.3850 of 2016
21.01.2020

SMA/26/02/2020/2P/5C