



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.3865 of 2016

and

Crl.M.P. (MD)Nos.1947 and 1948 of 2016

WEB COPY

1.S.Balamurali

2.M.Babu

... Petitioners/Accused No.5,6

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 petitioners.

For Petitioners : Mr.S.Udhaya Kumar

For Respondents : Mr.A.Robinson

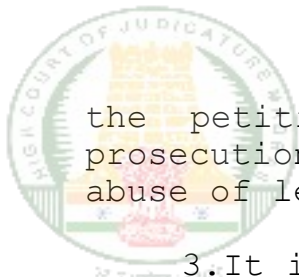
Govt. Advocate (Crl. Side) for R1

Mr.J.Anandkumar for R2

O R D E R

The petitioners herein are 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. The first petitioner is the brother of A1 while the second petitioner is his nephew. The only allegation against the petitioners herein is that they threatened the defacto complainant. It is not in dispute that the petitioners are working in Malaysia. In fact, except the allegation of intimidation, there is no other allegation against the petitioners herein. I am of the view that the petitioners have been caught in the cross fire between the defacto complainant and A1. 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 roping in



the petitioners herein. Therefore, the continuance of the impugned prosecution against the petitioners can only be characterised as 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 petitioners alone. I make it clear that the husband and parents-in-law cannot take advantage of this order quashing the proceedings against the petitioners herein.

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

Sd/-

Assistant Registrar (Crl.side)

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/ /2020

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

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-2253[F] dated 21/01/2020)

Crl.O.P (MD)No.3865 of 2016
21.01.2020

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