



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 26.11.2020

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.OP(MD)No.12934 of 2017

and

Crl.MP(MD)Nos.8525, 8526 and 11052 of 2017

WEB COPY

1.Selvaraj

2.Saroja

: Petitioners/A2 and A3

Vs.

1.The State rep. by Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.
(Crime No.11 of 2015)

2.Preetha Mahesh

: Respondents

Prayer: Criminal Original Petition filed under section 482 of the Criminal Procedure Code, to call for the records relating to the case in CC No.200 of 2016 pending on the file of the Judicial Magistrate No.1, Kovilpatti and quash the same against the petitioners.

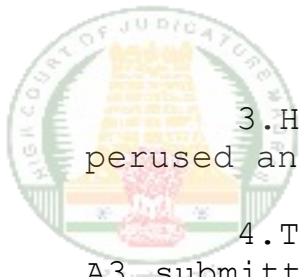
For Petitioners	: Mr.P.Samuel Gunasingh
For 1 st Respondent	: Mr.R.Anandharaj
	Additional Public Prosecutor
For 2 nd Respondent	: Mr.N.Elango

O R D E R

(Thro' VC)

This Criminal Original Petition is filed to call for the records relating to the case in CC No.200 of 2016 pending on the file of the Judicial Magistrate No.1, Kovilpatti and quash the same against the petitioners.

2.The case of the prosecution is that the 1st accused and the 2nd respondent got married on 19.06.2013 and during marriage, gold jewels and other house-hold articles were given as stridhana property and after marriage, all the accused persons said to have tortured the 2nd respondent by demanding additional dowry and A1 to A3 said to have demanded new car and they have forced the 2nd respondent to do all the household works and since the 2nd respondent refused to obey the words of the accused persons, she was harassed repeatedly by the accused persons. Hence, this case.



3.Heard the learned counsel appearing on either side perused and the materials available on record.

4.The learned counsel appearing for the petitioners/A2 and A3 submitted that in the final report, no case has been made out against these petitioners and this case is foisted against the petitioners with an ulterior motive and prays that the impugned proceeding in CC No.200 of 2016 as against the petitioners has to be quashed.

5.On the other hand, the learned counsel appearing for the 2nd respondent/de-facto complainant submitted that during the pendency of this criminal original petition, the 2nd respondent/de-facto complainant filed an affidavit on 10.06.2019 stating that as per the advise of her family elders and well wishers, she does not want to pursue the criminal case against her in-laws and further stated that she is working as a Doctor in Kovilpatti and having a child aged about 4 years and hence, she has no objection to allow this criminal original petition.

6.It is seen from the affidavit filed by the 2nd respondent/de-facto complainant, dated 10.06.2019 that she has no objection to allow the Crl.O.P(MD)No.12934 of 2017. The relevant para 3 of the affidavit filed by the 2nd respondent/de-facto complainant would run thus:-

"3.I humbly submit that my family elders and well wishers advised me that not to pursue the criminal case against the in laws. Further I am working as a doctor in Kovilpatti and having a child aged about 4 years hence I have no objection to allow Crl.O.P(MD)No.12934 of 2017."

7.In view of the above facts and also by recording the affidavit filed by the 2nd respondent/de-facto complainant, this criminal original petition is allowed. The entire proceedings in connection with the case in C.C No.200 of 2016 on the file of the Judicial Magistrate No.1, Kovilpatti, as against the petitioners/A2 and A3 is quashed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

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/ /2020

Sub Assistant Registrar (CS)



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To

1.The Judicial Magistrate No.1, Kovilpatti.

2.The Inspector of Police,
All Women Police Station,
Kovilpatti, Thoothukudi District.

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

+1 cc to Mr.N.Elango , Advocate SR.No.23235

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NA (CO)
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