



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

CRL.OP (MD) No. 9409 of 2017

and

CRL.MP (MD) No. 6410 , 6411 of 2017 and 1385 of 2018

WEB COPY

1.S.Chandra Prasad

2.Mrs.Mona

... Petitioners / A1 and A2

vs.

P.Lilly Josephine Princy

... Respondent / Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code, praying to call for the records relating to the impugned complaint in C.C.No.379 of 2016 on the file of the Additional Mahila Court (Magistrate level), Madurai and quash the same as against the petitioner.

For Petitioners : Mr.R.S.Sivaram

For Respondents : Mr.N.Tamil Mani

ORDER

This petition has been filed by the petitioners to quash the complaint in C.C.No.379 of 2016 on the file of the Additional Mahila Court (Magistrate level), Madurai.

2.It is stated by the learned counsel appearing for petitioners that the petitioners are the in-laws of the defacto complainant and the defacto complainant is living with the husband/son of the petitioners herein even now. It is further stated that the petitioners are residing at Chennai, whereas, the defacto complainant and her husband are residing at Madurai.

3.It appears that there was a request for hand loan from the petitioners by the defacto complainant, which was turned down and therefore, the private complaint was given to the All Women Police Station, Tallakulam on 29.04.2016 and on 30.04.2016, CSR number also given and since no FIR has been registered, the defacto complainant filed CrI.O.P.(MD) No.12455 of 2016. By an order dated 22.07.2016, the said petition was disposed of with a direction to complete the investigation in terms of the law laid down by the Hon'ble Supreme Court in Lalitha Kumari Vs. Govt. of U.P. & Others {2013(4) Crimes 243 (SC)}. The investigation also culminated in a closure report, which has been filed by the respondent in her typed set, wherein, it has clarified that the investigation revealed that there was no demand of dowry.

4.Thereafter, a private complaint has been filed by the defacto complainant, which was taken cognizance in C.C.No.379 of 2016 on

<https://hcservices.ecourts.gov.in/hcservices/>



26.08.2016.

5.The learned counsel appearing for the petitioner drew my attention to the following decisions:

- 1.**Preethi Gupta V. State of Jharkhand - (2010) 7 SCC 667.**
- 2.**Ram Saran Varshney V. State of U.P. - (2016) 3 SCC 724**
- 3.**L.J.Vengatesh Vs. State - Order made in Crl.O.P.No.26945 of 2016** dated **26.06.2018** by this Court.

6.Perusal of the said decisions would show that if the parties are not residing together, the criminal complaint cannot be entertained based on exaggerating version of small incidents. All allegations are to be scrutinised with great care and circumspection, especially against the husband's relatives who were living in different cities and never visited or rarely visited the matrimonial home of the complainant.

7.In the facts of the present case, it appears that the petitioners are residing at Chennai, whereas, the defacto complainant is living with her husband at Madurai and the criminal proceedings has been initiated with a view to extract money from them.

8.Therefore, I do not find any merits in the complaint that has been filed before the Additional Mahila Court, (Magistrate level), Madurai in C.C.No.379 of 2016. Accordingly, this criminal original petition is allowed and the complain in C.C.No.379 of 2016 on the file of the Additional Mahila Court (Magistrate Level), Madurai is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Arul

To

The Additional Mahila Court, (Magistrate Level)
Madurai.

+1 CC to M/s.N.TAMIL MANI, Advocate (SR-11244[F] dated 12/03/2020)
+1 CC to M/s.R.S.SIVARAM, Advocate (SR-11144[F] dated 11/03/2020)

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11.03.2020

SMA/23/03/2020/2P/4C
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