



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18..11..2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Criminal Original Petition No.22408 of 2016
and
Crl.M.P.No.10411 of 2016

1.Shakila Banu
2.Zaheer Hussan
3.Shanma Begum

... Petitioners

-Versus-

D.Jaffer Sherif

... Respondent

Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records in C.C.NO.133 of 2016* on the file of the learned Judicial Magistrate-V, Salem and to quash the same.

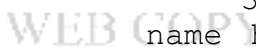
*Amended as per the order of this court dated
31.01.2017
made in Crl.M.P.No.1397 of 2017

For Petitioner	: Mr.S.Sugendran
For Respondent	: Ms.G.Vrindha [Legal Aid Counsel]

ORDER

This Criminal Original Petition has been filed seeking to quash the criminal proceedings in C.C.No.133 of 2006 on the file of the learned Judicial Magistrate-V, Salem.

2. The respondent is the husband of the 1st petitioner and the 2nd petitioner is the brother and the 3rd petitioner is the mother of the petitioner. The respondent filed a private complaint against the petitioners alleging that the petitioner was actually 37 years old, but, misrepresenting as if she was 26 years old, she was given in marriage to the respondent. After the marriage, the respondent came to know from the school transfer certificate obtained through Right to Information Act, that the 1st petitioner was 37 years old and the petitioners cheated him. Therefore, the respondent made a complaint for alleged offence under Sections 120(B), 415, 417 and 420 of IPC



3. Even though notice was served on the respondent and his name had also been printed in the cause list, neither he was present nor represented by any counsel on the previous hearings and therefore, this court had no other option except to appoint Ms.G.Vrindha, as legal aid counsel to represent on behalf of the respondent.

5. The only allegation made against the petitioners is that they had misrepresented the age of the 1st petitioner in order to give her in marriage to him and made the respondent to believe that the 1st petitioner was 26 years old. But, at the time of marriage, the 1st petitioner was actually 37 years old which, he respondent came to know only after the marriage, when he had managed to obtain a copy of the school transfer certificate of the 1st petitioner under the provisions of the Right to Information Act. Therefore, according to the respondent, he had been cheated by the petitioners.

7. For the reasons discussed above, the criminal proceedings instituted against the petitioners on a private complaint by the respondent is liable to be quashed in its entirety.



In the result, this criminal original petition is allowed and the criminal proceedings in C.C.No.133 of 2016 on the file of the learned Judicial Magistrate-V, Salem, is quashed in its entirety. Consequently, connected miscellaneous petition stands closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kmk

To

The Judicial Magistrate-V, Salem, Salem District.

+1cc to Mr. S.Sugendran, Advocate, S.R.No.60088

Cr1.O.P.No. 22408 of 2016

PMK(CO)
CT 02/12/2021