



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.23616 of 2016

Ranganathan

..Petitioner/A5

Vs.

Mekaladevi

..Respondent/complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., seeking to call for the records relating to C.C.No.25 of 2016 pending on the file of the learned Judicial Magistrate No.II, Udumalpet and quash the same.

|                |   |                     |
|----------------|---|---------------------|
| For Petitioner | : | Mr.M.N.Balakrishnan |
| For Respondent | : | Mr.N.Ponraj         |

#### O R D E R

To quash the private complaint filed by the respondent herein on the file of the learned Judicial Magistrate No.II, Udumalpet in C.C.No.25 of 2016, the petitioner/A5 is before this Court with this criminal original petition.

2. The complainant is the wife of A3, and due to some matrimonial dispute, she was driven out of her matrimonial house and she is residing in her paternal home. On 05.04.2014, while the complainant went to A3 house to take the household articles belonging to her, the petitioner/A5, along with other accused abused her in filthy language and attacked her with his hands. Hence the private complaint has been filed before the learned Judicial Magistrate No.II, Udumalpet and the learned Judicial Magistrate has taken cognizance of the offence and issued summons. To quash the same, the present criminal original petition has been filed.

3. Mr.M.N.Balakrishnan, learned counsel appearing for the petitioner/A5 would submit that, the main allegation is only against A1 to A4 who are the husband and other in-laws of the complainant. A5 is only distantly related to A1, and he is in no way connected with the crime and he has been falsely



implicated in this case. The learned counsel further submitted that, earlier a police complaint was given by the complainant making allegations only against A1 to A4, and the petitioner was not implicated, after investigation, the police complaint was closed as mistake of fact. Thereafter private complaint has been filed falsely implicating the petitioner. Even otherwise, absolutely there is no overact attributed against him and no prima facie case is made out against the petitioner/A5, hence the learned counsel seeks quashing of the complaint.

4. Per contra, Mr.N.Ponraj, learned counsel appearing for the respondent/complainant would submit that the petitioner/A5 is closely related to the other accused viz., A1 to A4. Respondent/complainant is the wife of A3. She was harassed by her in-laws and was driven out of her matrimonial home and therefore she went to her paternal home. When she went to take her household articles, all the accused abused her and attacked her. There is a specific allegation in the complaint against petitioner/A5 that he has attacked her along with other accused. Hence a prima facie case is made out against the petitioner/A5 and the learned Judicial Magistrate considering all the materials has taken cognizance and therefore there is no reason to quash the complaint.

5. I have considered the rival submissions and also perused the records carefully.

6. The complaint has been filed by the wife of A3 against the accused, who are all her in-laws and the husband of the complainant, so far as this petitioner/A5 is concerned he is distantly related to A3. The allegation against the petitioner is that he joined together with the other accused and abused the complainant and also attacked her with hands. Perusal of the records, it could be seen that there is no specific overact attributed against the petitioner. Earlier for the very same occurrence, the respondent stated to have given a police complaint implicating only A1 to A4 making specific allegations against them and the petitioner herein has not been arrayed as an accused. The police after investigation closed the case as mistake of fact. Subsequently, the present private complaint has been filed including the petitioner herein also without attributing any overact against him.

7. From the perusal of records, this Court is of the view that, no prima facie case has been made out against the petitioner and allowing the petitioner to stand trial would be an abuse of process of law. Hence, the proceedings in C.C.No.25



of 2016 pending on the file of the learned Judicial Magistrate No.II, Udumalpet is liable to be quashed as against the petitioner/A5 and accordingly the same is quashed as against the petitioner/A5 alone.

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8. In the result, the criminal original petition is allowed. As the trial is pending for a long time, the Trial Court is directed to complete the trial as expeditiously as possible.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kk  
To

1. The Judicial Magistrate No.II,  
Udumalpet.

+1 CC to Mr.N.Ponraj, Advocate sr 65136.

Cr1.O.P.No.23616 of 2016

KG(CO)  
SP(27/12/2021)