



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.4118 of 2018

And

Crl.M.P.No.1910 & 1911 of 2018

1.Lakshmanan

2.Dhana Lakshmi

3.Subha

... Petitioners

Vs.

1. The State by:

Inspector of Police,
W 35, All Women Police Station,
Tambaram,
Chennai.
(Crime No.42 / 2016)

2. Abirami

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records in C.C.No.151 of 2017 on the file of the Judicial Magistrate, Tambaram for the offence under Sections 498A and 406 of IPC and quash the same.

For Petitioners : Mr.M.Shahjahan

For Respondents : Mr.C.E.Pratap for R1
Government Advocate (Crl. Side)
Mr.A.P.Sathyamurthi for R2

O R D E R

This petition has been filed seeking to call for the records in C.C.No.151 of 2017 on the file of the learned Judicial Magistrate, Tambaram and to quash the same.

2.The petitioners are the Father - in - Law, Mother - in - Law and Sister - in - Law of the second respondent/ defacto complainant and they are arrayed as A2 to A4 in the case. The



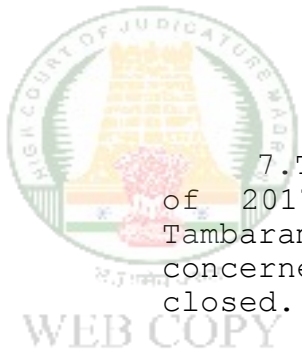
facts of the case is that the marriage between A1 and the second respondent was solemnized on 01.09.2011 at Thanjavur and alleged at the time of marriage, the parents of the second respondent gave 65 sovereigns of gold jewels, household articles worth about Rs.3 Lakhs and cash of Rs.2 Lakhs as sreedhana. They started their life at Chennai. Thereafter, the second respondent came to know that A1 is an alchohol addict. The accused are alleged to have demanded more dowry from the second respondent and tortured her. Hence, she lodged the complaint. After investigation, charge sheet was filed and the same was taken on file as C.C.No.151 of 2017 by the learned Judicial Magistrate, Tambaram. Challenging the same, the petitioners have filed this petition.

3.The learned counsel appearing for the petitioners submitted that the petitioners are the Father - in - Law, Mother - in - Law and Sister - in - Law of the second respondent/ defacto complainant. He further submitted that immediately after marriage, A1 and the second respondent started their life at Chennai at the instigation of the second respondent, whereas, petitioners 1 and 2 are residents of Ukkadai, Pattukottai Taluk and the third petitioner resides at T.Maravakadu, Pattukottai Taluk. Hence, the allegation against the petitioners that they interfered in the day to day life of A1 and second respondent is not reasonable one.

4.The learned counsel appearing for the second respondent made serious objection for discharging the petitioners from the case. He submitted that the issue involved in the case is disputed question of fact that can be decided only at the time of trial and not under petition filed under Section 482 of Cr.P.C.

5.This Court also heard the submissions made by the learned Government Advocate (Crl. Side) appearing for the first respondent.

6.The relationship between the parties is not disputed. This Court perused the charge sheet. It reveals that the main allegation is against A1. Inorder to prove the allegation made against the petitioners no witness was examined and no document were produced, however, the petitioners have been implicated in the case. In the absence of any materials to prove the allegations made against the petitioners, implicating the petitioners in the crime is un-sustainable one. Hence, I have no hesitation to quash the proceedings in C.C.No.151 of 2017 before the learned Judicial Magistrate, Tambaram, as against these petitioners.



7. This criminal original petition is allowed and C.C.No.151 of 2017 on the file of the learned Judicial Magistrate, Tambaram, is quashed in so far as these petitioners are concerned. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Tambaram.
2. The Inspector of Police,
W 35, All Women Police Station,
Tambaram, Chennai.
(Crime No.42 / 2016)
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to M/s.M.Shahjahan, Advocate Sr No.39185

Cr1.O.P.No.4118 of 2018
And
Cr1.M.P.No.1910 & 1911 of 2018

VSNII (CO)
PR (14/09/2021)