



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Crl.O.P.No.8066 of 2015
and MP No.1 of 2015

Kalia Murthy

... Petitioner / Accused No.3

-Vs-

State Rep.by

1. The Inspector of Police,
All Women Police Station,
Jayamkondam,
Ariyalur District.

..Respondent/Complainant

2. Gomathi

.. Respondent /Defacto complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to C.C.No.28 of 2015 on the file of learned Judicial Magistrate, Jayamkondam and quash the same.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.E.Raj Thilak
Counsel for Government
(Crl.Side) for R1
R2 - Not ready notice

O R D E R

This Criminal Original petition has been filed to quash the C.C.No.28 of 2015 on the file of learned Judicial Magistrate, Jayamkondam.

2. The case of the prosecution is that the defacto complainant and one Balamurugan was married on 18.10.2012. After marriage, the said balamurugan at the instigation of the petitioner herein and his mother, had abused her in a filthy language and also assaulted her, due to childless issue and demanded a dowry. The petitioner herein is the grand father of the Accused No.1. Based on the complaint given by the defacto complainant, the respondent police registered an FIR for the offences punishable under Section 498 of IPC in Crime No.10 of



2013 dated 06.05.2013 against three accused persons. After completion of detailed investigation and elaborated examination, the respondent police altered the offence to 498(A) r/w Section 4 of Tamil Nadu Women Harassment Act on 13.12.2013 and also filed a charge sheet before the learned Judicial Magistrate, Jayamkondam and the same was taken on file in C.C.No.28 of 2015 and the same was pending for trail.

3. The learned counsel for the petitioner submitted that the petitioner is an aged person and he is the grand father of the 1st accused. A-1 is the main accused in this case. At the time, when the incident had occurred, the petitioner herein was aged about 83 years and he was not present in the scene of occurrence. The learned counsel further submitted that the petitioner herein is no way connected with the alleged offense and he is living separately.

4. Heard Mr.E.Raj Thilak, learned Counsel for Government (Crl.Side) for 1st respondent.

5. The Counter affidavit has been filed by the 1 respondent before this Court. The relevant portion in the Counter affidavit is extracted hereunder :-

7. It is submitted that in the final report, there are totally 9 witnesses were cited by the respondent police, now at this juncture, there are ample evidences available against the petitioner / Accused. The witnesses are against petitioner / Accused No.2 and the same are evident in the said C.C.No.28/2015, pending on the file of the learned Judicial Magistrate, Jayamkondam and the same is pending for trial.

6. This Court has carefully considered the submissions made on either side and also perused the materials on record.

7. It can be seen from the counter affidavit filed by the respondent police that there is no specific over tact as against this petitioner and also taking into account, the age of the petitioner, this Court is inclined to quash the proceedings pending against this petitioner in C.C.No.28 of 2015 and the same is hereby quashed. This Criminal Original petition is accordingly allowed. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rka



To

1. The Judicial Magistrate,
Jayamkondam
2. The Inspector of Police,
All Women Police Station,
Jayamkondam.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

Crl.O.P.No.8066 of 2015
and MP No.1 of 2015

SKY (CO)
HS (02/08/2021)