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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM:

THE HON'BLE MR.JUSTICE V. BHARATHIDASAN

Crl.O.P.No.4337 of 2016

and

Crl.M.P. Nos. 2255 & 2275 of 2016

1. Subramaniyan
S/o. Muthukaruppan

2. Deivanai
W/o. Subramaniyan

3. Meena ... Petitioners/Accused 2 to 4

Versus

1. Inspector of Police,
All Women Police Station,
Mayiladuthurai,
Nagapattinam Dt.

2. G.Vidhyalakshmi,
D/o. Vengu

... Respondents/Complainant/
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.261 of 2014 on the file of Judicial Magistrate, Mayiladuthurai and quash the same.

For Petitioners : Ms.O.Djearany

For Respondents : Mr.C.E.Pratap,
Govt. Advocate (Crl. Side)
for R1

No appearance for R2

ORDER

This Criminal Original Petition has been filed to quash the criminal proceedings in C.C.No.261 of 2014, on the file of Judicial Magistrate, Mayiladuthurai, for the offence under Sec.498 (A), 494 I.P.C. by the petitioners/A2 to A4.



2. The case of prosecution is that, the 2nd respondent herein has filed the complaint alleging that she has got married to one Muthukaruppan, who is arrayed as A1. After marriage, A1 left to for Sharjah, U.A.E., on his employment. In the year 2014, he came back to India, thereafter, there is a matrimonial dispute arose between them. Further, he had harassed the 2nd respondent/defacto complainant demanding dowry. Subsequently, the 2nd respondent came to know that, on 10.06.2014 A1 got married to another lady. When she questioned the same, all the accused once again harassed her and also demanded dowry. Subsequently, she had filed a complaint before the 1st respondent police. Based on the complaint, F.I.R. has been registered for the offence under Sec.498(A) and 494 I.P.C. After investigation, final report has been filed and cognizance of offence was also taken by learned Judicial Magistrate. Now, the petitioners viz., father-in-law, mother-in-law and sister-in-law of the complainant are before this court by filing the present petition to quash the complaint.

3. Ms.O.Djearany, learned counsel appearing for petitioners would content that the petitioners are in-laws of 2nd respondent/defacto complainant. Absolutely, there is no materials available against the petitioners that they have demanded dowry and they have also induced A1 for the second marriage. In the absence of prima facie materials against the petitioners, the learned Judicial Magistrate ought not to have taken cognizance of offence. Hence, she prayed to quash the complaint.

4. The learned Government Advocate (Criminal Side) appearing for 1st respondent would submit that there is specific allegation against in-laws as if they have demanded dowry and A1 also got married to another lady. Considering those circumstances, the learned Judicial Magistrate has rightly taken cognizance of offence. Hence, he opposed to quash the complaint.

5. Even though notice served on the 2nd respondent/complainant and the name was also printed in the cause list, none appeared on behalf of 2nd respondent.

6. Heard rival submissions made by learned counsel appearing for petitioner as well as learned Government Advocate appearing for respondent and perused the records.

7. On perusal of records, it could be seen that there is a matrimonial dispute between A1 and 2nd respondent/defacto complainant and A1 said to have demanded dowry and in the year 2014, A1 also got married to another lady while the 1st marriage was in subsistence. As far as these petitioners are concerned,



there is no specific averment made against them that they have also harassed the 2nd respondent/defacto complainant demanding dowry and they have also abetted A1 and got married and the materials available on record do not disclose any prima facie case against the petitioners. All the allegations are only against the husband/A1.

8. Considering all the materials, this Court is of the considered view that the complaint is liable to be quashed against the petitioners/A2 to A4. Therefore, this Court is inclined to quash the proceedings in C.C.No.261 of 2014 on the file of Judicial Magistrate, Mayiladuthurai so far as against petitioners/A2 to A4 alone. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Mayiladuthurai.
2. Inspector of Police,
All Women Police Station,
Mayiladuthurai,
Nagapattinam Dt.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.4337 of 2016

NMI (CO)
SU(19/01/2022)