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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.NO.5935 OF 2018

1. J.Geetha
2. R.Jagadeesan
3. J.Rajagopal
4. R.Rathi Devi

... Petitioners

.Vs.

1. The State Represented by  
The Inspector of Police,  
W22 All Women Police Station,  
Mylapore,  
Chennai - 600 004.  
(Crime No.15 of 2014)

2. M.Mogana

... Respondents

PRAYER:-

Petition filed under Section 482 of Cr.P.C., seeking to call for the records in **\*C.C.No.115 of 2016** quash the final report in **\*C.C.No.115 of 2016** pending on the file of XVIII Metropolitan Magistrate Court, Saidapet as illegal.

For Petitioners : Mr.G.R.Lakshmanan

For Respondents : Mr.C.E.Pratap for R1  
For Public Prosecutor

Mr.M.Rajasekaran for R2

O R D E R

This petition has been filed seeking to call for the records in **\*C.C.No.115 of 2016** and to quash the final report in **\*C.C.No.115 of 2016** pending on the file of the XVIII Metropolitan Magistrate Court, Saidapet, as illegal.



2. The petitioners are arrayed as accused 2 to 5 and they are the mother, father, brother and brother's wife of the first accused. The second respondent is the defacto complainant. The marriage between the second respondent and first accused was solemnized in Sri Rama Kalayana Mandapam, Nungambakkam, Chennai.

3. According to the petitioners, the entire expenses for the marriage ritual were met out by the petitioners and after sometime, there was matrimonial dispute between the defacto complainant and the first accused. Thereafter, the defacto complainant lodged a false complaint before the law enforcing agency alleging that the petitioners and the first accused are ill treating her and demanding dowry of Rs.2 Lakhs and a case in Crime No.15 of 2014 was registered and after investigation, the law enforcing agency filed final report as against the accused for the offence under Sections 498(A), 506(ii) of IPC and Section 4 of Dowry Prohibition Act r/w. Section 4 of Tamil Nadu Prohibition Harassment of Women Act and the same is pending on the file of the learned XVIII Metropolitan Magistrate, Saidapet, as **\*C.C.No.115 of 2016**. Challenging the same, the petitioners have filed this petition.

4. The learned counsel appearing for the petitioners submitted that there was matrimonial dispute inbetween the defacto complainant and the first accused and hence, the first accused filed H.M.O.P.No.1963 of 2014 under Section 13(1)(i-a) of Hindu Marriage Act before the Family Court, Chennai, seeking divorce and the defacto complainant filed H.M.O.P.No.3862 of 2014 under Section 9 of the Hindu Marriage Act before the Principal Family Court, Chennai, seeking restitution of conjugal rights and after adjudication, the Family Court, Chennai granted divorce in favour of the first accused and dismissed the petition filed by the defacto complainant. Thereafter, the defacto complainant filed petition seeking a sum of Rs.20,000/- towards maintenance from the first accused and the trial Court awarded a sum of Rs.10,000/- towards maintenance. Hence, aggrieved by the amount awarded, the first accused filed CrI.R.C.No.1440 of 2019 and seeking enhancement of the award, the second respondent filed CrI.R.C.No.1381 of 2019 before this Court and this Court by way of interim order directed the first accused to pay a sum of Rs.4,000/- as maintenance to the defacto complainant.

5. The learned counsel appearing for the petitioners further submitted that there are some allegation against the first accused, however, there is no allegations as against the petitioners herein, except some vague averments. Hence, in the



absence of any material, implicating the petitioners under the alleged offences is un-sustainable one. Accordingly, he prayed for allowing the petition.

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6. The learned counsel appearing for the second respondent, on instructions, submitted that the second respondent has no serious objection for quashing the final report in **\*C.C.No.115 of 2016** in respect of the petitioners herein, however, he prayed this Court to issue direction to the learned XVIII Metropolitan Magistrate, Saidapet, to complete the trial in **\*C.C.No.115 of 2016** in respect of the first accused and to dispose of the same within a reasonable time frame.

7. This Court perused the final report filed by the law enforcing agency. There are only some vague averments as against these petitioners. Hence, I have no hesitation to quash the final report in **\*C.C.No.115 of 2016** in respect of the petitioners herein.

8. This criminal original petition is accordingly allowed and the final report in **\*C.C.No.115 of 2016** is hereby quashed in respect of the petitioners herein. This Court directs the learned XVIII Metropolitan Magistrate, Saidapet, to complete the trial in **\*C.C.No.115 of 2016** in respect of the first accused, as expeditiously as possible.

Sd/-

Assistant Registrar(CS VII)

02/08/2021

**\* Amended as per the Order dated  
10/12/2021 made in CrI.M.P.No.12438  
of 2021 in CrI.O.P.No.5935 of 2021**

Sd/-

Assistant Registrar(CS VII)

09/02/2022

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Sub Assistant Registrar

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To

1. The XVIII Metropolitan Magistrate,  
Saidapet.

2. The Inspector of Police,  
W22 All Women Police Station,  
Mylapore,  
Chennai - 600 004.  
(Crime No.15 of 2014)

3. The Public Prosecutor,  
High Court of Madras,  
Chennai - 600 104.

**\* To be Substituted  
for the Order already  
despatched on  
31/08/2021**

**\* +1cc to Mr.G.R.Lakshmanan, Advocate, S.R.No.65948**

CRL.O.P.NO.5935 OF 2018

PMK (CO)  
SP (10/08/2021)  
PBS/10/02/2022