

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.7303 of 2021
and
Crl.MP.Nos.4870 & 4871 of 2021

1.Satheesh Kumar
2.P.Venugopal
3.Mrs.V.Jeeva
4.Ms.Yamini
5.Ms.Deepa

... Petitioners

Versus

1.The State Rep.by
The Inspector of Police,
W-32, All Women Police Station,
Madipakkam,
Chennai - 600 091.

2.Mrs.Uma Maheswari

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the record pertaining to C.C.No.472 of 2020 pending before the Additional Mahila Court (Judicial Magisterial Level), Alandur and to quash the FIR and the Charge Sheet filed before the said Court as against the petitioners.

For Petitioners: Mr.A.R.Sakthivel

For Respondents: Mr.M.Mohamed Riyaz, (for R1)
Additional Public Prosecutor.

ORDER

The petitioners are the accused in C.C.No.472 of 2020 facing trial for the offence under Sections 498, 506(i) of IPC.,

2.The contention of the petitioners is that the first petitioner is the husband of the defacto complainant, the second and third petitioners are the in-laws of the second respondent/de-facto complainant. The fourth and fifth petitioners are sisters of the first petitioner. According to the petitioners, they have been falsely implicated in this case. Further, it is submitted that the marriage between the

first petitioner and the de-facto complainant was solmonized on 03.07.2017. After marriage, they lived together for a short period till the end of July 2017. Thereafter, she had taken a decision to live with her parents, for the reason that she did not agree for living with the petitioners as a nucleus family. At the same time, the de-facto complainant forced the first petitioner to live separately, but the first petitioner was not willing and he wanted to live with the petitioners 2 and 3, who are his parents. It is also stated that the first petitioner is not willing to take any family responsibility, which any normal person would accept. With the above averments, the second respondent has given a complaint based on which a first information report was registered and after investigation a charge sheet was also filed.

3.LW.1 to LW.5 are listed witnesses. LW.1 is the de-facto complainant/ second respondent. LW.2, is one Kothandaraman S/o. Chellappan. Section 161 Cr.P.C., statement of Rajalu Naidu, who is the first petitioner's father-in-law was recorded. LW.3/Seethalakshmi is the mother of the defacto complainant, LW.4 is another relative an independent witnesses.

4.It is claimed by the de-facto complainant that all valuable articles, valuable have been retained by the petitioners, however, from the statement of the witnesses, it is seen that there have been no physical harm caused to the de-facto complainant but it was stated that the petitioners have demanded 35 soverigns of gold and Rs.5 Lakhs cash.

5.It is stated that the first petitioner is suffering from cardiac problem and the second petitioner is suffering from Neuro problem. The family members are living independently and they have nothing to do with the demand of dowry.

6.Learned Additional Public Prosecutor (Cr1.side) appearing for the first respondent would submit that the investigation in this case has been conducted and completed. The investigation Officer filed the charge sheet after recording the statement of LW1 to LW.15 were recorded. The statement of LW.1 to LW.4 corroborates with each other. The grounds raised by the petitioners in this petition cannot be decided in the quash petition. it has to be decided only during the trial. Further, cruelty, both physical and mental as defined under 498(A) is made out in this case.

7.On consideration of the materials placed and the points raised by the petitioners, this Court is of the view that the grounds raised in this petition by the petitioners cannot be decided by this Court at this stage and they have to be examined only during the trial.

8.Considering the age of the petitioners, their status and the ailment said to have been suffered by the petitioners, the presence of the petitioners 2 to 5 are dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day when they are examined in Chief. The petitioners shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of receiving the final Judgment.

9.Accordingly, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Cs-IV)

//True copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
W-32, All Women Police Station,
Madipakkam,
Chennai - 600 091.

2. The Additional Mahila Judge,
(Judicial Magistrate Level)
Alandur.

3.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.A.R.Sakthivel, Advocate SR.No.24328

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AK II (CO)

GMV (07/07/2021)