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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.NO.17684 OF 2018

AND

CRL.M.P.NO.1949 OF 2019

1. Chinnamani
2. Periyapillai
3. Mariyammal
4. Ramkumar
5. Sasikala
6. Sutha
7. Periyasamy
8. Mallika
9. Dhandapani
10. Vasantha
11. Ayyavu
12. Pichammal
13. Balu
14. Elavarasi
15. Susila
16. Villumani
17. Ponnammal
18. Palaniyammal
19. Ananimuthu
20. Vimala
21. Sekar
22. Aanaiyammal
23. Kumar
24. Chitra
25. Raja
26. Vanitha
27. Annamalai
28. Chitra
29. Veerammal
30. Vasntha
31. Karumbaiyiram
32. Selvi
33. Chinnapillai
34. Chellamal
35. Naveena
36. Angammal
37. Karupae
38. Chellammal



39.Uma
40.Anjalam

.. Petitioners/Accused

.Vs.

Neelavathi

.. Respondent/Petitioner

Prayer:

Petition filed under Section 482 of Cr.P.C., to call for the records relating to the C.C.No.63 of 2018 on the file of the Honourable Learned Judicial Magistrate-I, Kallakurichi, Villupuram District and quash the same by allowing this Criminal Original Petition.

For Petitioners : Mr.V.R.Kamalanathan

For Respondent : Mr.A.Damodaran

O R D E R

(*)''The petitioners have filed this petition seeking to call for the records relating to the C.C.No.63 of 2018, on the file of the learned Judicial Magistrate-I, Kallakurichi, Villupuram District and quash the same by allowing this Criminal Original Petition.

2. The case of the prosecution is that the 1st petitioner had already married to the respondent on 22.05.2008 and on several occasions he harassed and demanded dowry from the respondent. Thereafter, the 1st petitioner married the 15th petitioner namely Susila on 14.06.2017 and that was organized by the other petitioners. Hence, the defacto complainant has filed a private complaints in C.C.No.63 of 2018, before the Trial Court against her husband and 39 others, for quashing which, the present petitioners are before this Court.

3.The learned counsel appearing for the petitioners submitted that originally the respondent had love affair with the 1st petitioner, which was declined by the 1st petitioner and there is no marriage was performed between the 1st petitioner and the respondent, as alleged in the complaint. He further submitted that now the respondent got married with one Damodharan on 21.05.2018, however she filed a false complaint against the petitioners and tried to harass them for an oblique motive. Further in



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the complaint no allegations have been made against the petitioners with regard to cheating, harassment, and criminal intimidation. Hence prays for quashment of the impugned private complaint against the petitioners herein.

4.The learned counsel appearing for the respondent submitted that the grounds raised by the counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is submitted that the petitioners may be permitted to raise all the grounds before the Court and the same shall be considered on its own merits and in accordance with law.

5.This Court has carefully considered the rival submissions and also perused the materials placed before it.

6.A perusal of the complaint reveals that the complainant, except mentioning the relationship of the petitioners 6 to 14 and 16 to 40 in the complaint, did not mention anything about the cruelty or harassment caused by them to the complainant. The entire allegations are levelled only against the petitioners 1 to 5 and 15. There is no specific allegations against the petitioners 6 to 14 and 16 to 40 to implicate them in the complaint. In such circumstances, this Court is of the considered view that there being no specific allegation against the petitioners 6 to 14 and 16 to 40 and only with a view to cause mental agony to the petitioners, they have been roped into the present case. Therefore, this Court is of the considered view that no case is made against the petitioners 6 to 14 and 16 to 40 and hence, this Court is inclined to quash the complaint against them. However, insofar as petitioners 1 to 5 and 15, there is prima facie material against them and therefore, the complaint as against them cannot be quashed at this stage.

7.Accordingly, these Criminal Original Petitions are disposed of and the complaints in C.C.No.62 of 2018, on the file of the learned Judicial Magistrate I, Kallakurichi, Villupuram District, are quashed insofar as the petitioners 6 to 14 and 16 to 40 are concerned and in respect of petitioners 1 to 5 and 15 are concerned, this



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Court is of the opinion that the issue is a triable issue and the grounds raised by them are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioners 1 to 5 and 15 to raise all the grounds before the Court and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below. However this Court, directing the trial court to dispose of C.C.No.63 of 2018 within a period of six months from the date of receipt of a copy of this order. The petitioners 1 to 5 and 15 and respondent are directed to co-operate with the trial court for the early completion of trial. Further, taking into consideration the request as made by the learned counsel for the petitioners 1 to 5 and 15, the appearance of the petitioners 1 to 5 and 15 before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgement is to be pronounced. However, if for any particular reason, the presence of the petitioners 1 to 5 and 15 is necessary, the trial court, at its wisdom, shall direct their appearance on those days. Consequently, connected miscellaneous petition is closed. Consequently connected miscellaneous petition is closed''.

Sd/-

Assistant Registrar
(15/11/2021)

* Corrected as per order
dated 24.03.2022 made in
CrI.O.P.No.17684/2018

Sd/-

Assistant Registrar(CCC)
(08/04/2022)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate-I,
Kallakurichi,
Villupuram District.

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

+1cc to Mr.V.Gunasekar, Advocate, S.R.No.20227

**To be Substituted
to order Already
Despatched on
14.12.2021**

Crl.O.P.No.17684 of 2018
and
Crl.M.P.No.1949 of 2019

RGN(CO)
PM/18/11/2021

RSI(CO)
RGA(11/04/2022)