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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P. No. 19481 of 2018
and
Crl.M.P. No. 10313 of 2018

A.Rajapriya

...Petitioner

Vs.

1. State rep. by the Inspector of Police,
All Women Police Station,
Chidambaram,
Cuddalore District.
(Crime No.5/2016)

2. Nivedha

...Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records of the proceedings pursuant to CC.No.157 of 2017 in Crime No.5 of 2016 pending on the file of the District Munsif cum Judicial Magistrate, Portnovo and to quash the entire proceedings against the petitioner herein.

For Petitioner : M/s.Nathan and Associates
For Respondents : Mr.C.E.Pratap (R1)
Government Advocate (Crl.Side)

O R D E R

The petitioner, who is sister-in-law of defacto complainant, has filed this petition seeking to quash proceedings in CC.No.157 of 2017 in Crime No.5 of 2016 pending on the file of the Learned District Munsif cum Judicial Magistrate, Portnovo.

2. The short facts that are necessary for disposal of this original petition are as follows:

The marriage between the defacto complainant and the brother of the petitioner was held on 21.08.2015 at TVMS Tirumana Mandapam, Cuddalore.

It is the case of the defacto complainant that a sum of Rs.10,00,000/- and 60 sovereigns of gold jewels were given as dowry. Not satisfied with the said dowry, the accused tortured the defacto complainant to bring



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more dowry, subsequently, requested Rs.30,00,000/-. Unable to bear the torture meted out by her husband and her-in-laws, the defacto complainant has preferred a complaint before the respondent police, which was registered as Crime No.5 of 2016 for alleged offence under Sections 498(a), 506(i) IPC read with Section 4 of Dowry Prohibition Act.

The police have investigated the case and filed a charge sheet and the same was taken on file by the Learned District Munsif cum Judicial Magistrate, Portonovo in C.C.No.157 of 2017 in Crime No.5 of 2016. Seeking to quash the case registered against the petitioner, she filed the present original petition before this Court.

3. Heard Learned Counsel appearing on either side, and perused materials available on record.

4. Admittedly, the petitioner is the sister in law of the defacto complainant. It is the allegation of the defacto complainant that the petitioner instigated her husband to demand more dowry. It is seen from records that during the relevant point of time, the petitioner was working in Qatar and she was not living in a joint family to harass the petitioner or demand more dowry from her. The defacto complainant seems to have named all and sundry in the FIR. This Court is not expressing any opinion on the allegation made against the other accused viz., husband of the defacto complainant and her in laws. The petitioner is the sister-in-law of the defacto complainant and she was, admittedly, working at Qatar after the marriage of the defacto complainant. That being the case, the petitioner need not be made to go the rigour of trial in a case of this nature, where the allegations mainly revolve around the husband and in laws of the defacto complainant.

5. In the result, this Court has no hesitation to quash the proceedings pending against the petitioner alone. Accordingly, this Criminal Original Petition is allowed and the proceedings pending on the file of the learned District Munsif cum Judicial Magistrate, Portnovno in C.C.No.157 of 2017 in Crime No.5 of 2016 is hereby quashed insofar as the petitioner is concerned. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



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To

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1. The District Munsif cum Judicial Magistrate,
Portnovo.
2. -do through- The Chief Judicial Magistrate,
Cuddalore.
3. The Inspector of Police,
All Women Police Station,
Chidambaram,
Cuddalore.
4. The Public Prosecutor,
Madras High Court.

+1cc to M/s.Nathan and Associates, Advocate, S.R.No.50443

Cr1.O.P. No.19481 of 2018

SSV[co]
NSK 17/11/2021