



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.14266 of 2021

and

CrI.M.P.No.7791of 2021

1. Gowthami Amirthalingam
2. Subish Vasu

... Petitioners

Versus

- 1.State Represented By
Inspector of Police,
AWPS-Namakkal,
Namakkal District.
(Crime.No.20 of 2019)

- 2.R.Deepa

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of F.I.R in Crime No. 20 of 2019 on the file of the first respondent police for alleged offence under Sections 294(b), 498 (A), 506(i) of IPC and to quash the F.I.R as against the petitioners and pass such further or other orders.

For Petitioners: Mr.K.R.Samratt

For Respondent : Mr.A.Damodaran for R1
Government Advocate (CrI.Side)

ORDER

This petition has been filed to call for the records of F.I.R in Crime No. 20 of 2019 on the file of the first respondent police for alleged offence under Sections 294(b), 498 (A), 506(i) of IPC and to quash the F.I.R as against the petitioners.

2. The contention of the petitioners is that the First Information Report in Crime No.20 of 2019 has been registered for the offence under Section 294(b), 498(A) and 506(i) of IPC based on the complaint of the second respondent/de-facto complainant. The petitioners herein are the accused Nos.4 & 5.



WEB COPY

3. The gist of the case is that A1 is the defacto complainant's husband, A2 and A3 are the father and mother of A1, A4 and A5 are the sister and brother-in-law of A1. The marriage between the defacto complainant and A1 was an arranged marriage which took place on 01.01.2017 at Namakkal Builders Mahal. The customary sreedhana articles were presented during the marriage. After marriage, additional demand of dowry for Rs.50 lakhs cash for the purchase of Jaquar Car made, defacto complainant transferred Rs.10 lakhs from her account for the same. The defacto complainant's husband was spending lavishly for travel to various place against the wish of the defacto complainant and she objected hence, she was ill-treated badly by A1. Further he was alcoholic and assaulted her. On 18.12.2019, the defacto complainant came back to her parents house, on 24.12.2019 the family members attempted to resolve the issue and it was agreed to return the jewels of the defacto complainant which were kept in Bank locker. The accused obtained signature in blank papers. The petitioners/A4 & A5 also threatened the defacto complainant. Hence, the complaint.

4. The contention of the petitioners is that A1 and the defacto complainant after their marriage were residing in Germany and they developed some misunderstanding. Later they came to Coimbatore. On the advice of elders and family members, they got separated and jewels and valuables were returned to the defacto complainant. Thereafter, the petitioners are said to have threatened the defaco complainant for her behaviour, which is not true. Throughout the matrimonial life, the defacto complainant and her husband were living in Germany. Further at the time of the alleged occurrence, both the petitioners were in Swedan. The respondent police with ulterior motive roped the petitioner in the case without conducting preliminary enquiry and without verifying facts.

5. The learned Government Advocate (Crl.Side) appearing for the official respondent would submit that in this case, investigation completed and the charge sheet already filed before the Additional Mahila Court, Namakkal and the case is yet to be taken on file.

6. In view of the above submission of the learned Government Advocate (Crl. Side), this Court by an order dated, 17.08.2021 directed the Additional Mahila Court, Namakkal to give reason for the delay in taking cognizance of the case.

7. Today, as per the order of this Court, dated 17.08.2021, a report was received from the Judicial Magistrate, Additional Mahila Court, Namakkal, wherein it has been stated that in the case in Crime No.20 of 2019, the charge sheet was filed only on 24.08.2021 and the same was taken cognizance on



the same day itself in C.C.No.347 of 2021. The above case is now posted for service of summons to the accused on 07.09.2021.

8. In view of the same, this Criminal Original Petition is closed. Consequently, connected Miscellaneous Petition is also closed. The petitioner is at liberty to file quash petition, seeking quash of charge sheet, if he so advised.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dna

To

1. The Judicial Magistrate,
The Additional Mahila Court, Namakkal.
2. The Inspector of Police,
AWPS-Namakkal,
Namakkal District.
(Crime.No.20 of 2019)
- 3.The Public Prosecutor
High Court of Madras.

CRL.O.P.No.14266 of 2021
and
Crl.M.P.No.7791 of 2021

PA(CO)
B.VC (06/09/2021)