



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE T.V.THAMILSELVI

CRL.O.P.NO.19135 OF 2019

AND

CRL.M.P.NOS.9784 & 9785 OF 2019

1.Ashokkumar

2.Ambika

3.Thandapani

4.Amsavalli

...Petitioners / Accused 1 & 2, 4 & 5

Vs.

1.State Rep by
Inspector of Police,
All Woman Police Station,
Panruti, Cuddalore District.
(Cr.No.21/2018)

2.Bhakkiyalakshmi

...Respondents / Complainant /
Defacto Complainant

Prayer : Petition filed under Section 482 of Cr.P.C., to call for the records and quash the final report filed in CC.No.55 of 2019 on the file of the learned Judicial Magistrate No.II, Panruti.

For Petitioners : Mr.R.Sankarasubbu for
M/s.Adithyaa Nithiyan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1

: No Appearance for R2

O R D E R

The petitioner has filed this petition seeking to call for the records and to quash the final report filed in C.C.No.55 of 2019, on the file of the learned Judicial Magistrate No.II, Panruti.



2. The petitioner is arrayed as Accused No.1 in the final report filed by the 1st respondent for the offence under Sections 498A, 294(b), 109 and 506(i) of IPC r/w Section 4 of Tamilnadu Prohibition of Harassment of Woman Act.

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3. The learned counsel for the petitioners submit that the 1st petitioner is the husband of the 2nd respondent who has given the false complaint against the 1st petitioner and his family members. Without any basic material the investigating agency / 1st respondent charged against the 1st petitioner based upon the final report. Hence, the petitioner approached this Court to quash the entire proceedings initiated by the 2nd respondent/wife and it does not disclose commission of any cognizable offence. He further submits that the wife/2nd respondent in order to make out a cognizable offence against the 1st petitioner, has included all the family members 2 to 4 who are in no way connected with the 1st petitioner / 2nd respondent herein. Further more, the final report has not disclosed any overt act against the other petitioners and no ingredients of offence mentioned in the final report has been made out against the petitioner. Hence, they prayed to quash the entire proceedings.

4. At the time of argument, the learned counsel for the 1st respondent submits that based upon the complaint given by the 2nd respondent / wife FIR was lodged on 03.11.2018 under Sections 498A, 294(b), 109 and 506(i) of IPC r/w Section 4 of Tamilnadu Prohibition of Harassment of Woman Act. Further, he also submits that they loved each other and their marriage was registered on 26.04.2017 and thereafter her parents and in-laws of the 2nd respondent refused to live with her husband and they harassed her by demanding dowry.

5. It is the admitted fact that the petitioner and the 2nd respondent belong to same community and reside in same village and having known of their family, but now all the family members are not permitted the 2nd respondent to live with the 1st petitioner. Furthermore, in the year 2017, on 26.04.2017, they got registered the marriage and within (1 1/2 years) a short span of time, there was some misunderstanding and harassment suffered by the 2nd respondent at the hands of the petitioner. As per the complaint, after investigation, the investigating agency/1st respondent lodged the final report against the 1st petitioner. Hence this Court finds no irregularity and there was sufficient material collected by the investigating agency which lodged the final report. The reasons stated by the petitioners are not sustainable for the reason aforesaid and, hence, they are directed to appear before the trial Court and the trial court shall complete the trial within a period of six months from the date of receipt of copy of this order and the petitioners shall co-operate in the proceedings.



6. In view of the above, this Court directs the 1st respondent Police, to expedite the trial in C.C.No.55 of 2019 and complete the same, within a period of six months from the date of receipt of a copy of this order.

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7. With the above directions, this criminal original petition is disposed of. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

drl

To

1.The Judicial Magistrate No.II,
Panruti.

2.The Chief Judicial Magistrate
Cuddalore.
(For Information)

3.The Inspector of Police,
All Woman Police Station,
Panruti, Cuddalore District.

4.The Public Prosecutor,
Madras High Court.

CrI.O.P.No.19135 of 2019

SVI (CO)
RVM(07/12/2021)