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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CrI.O.P.No.3289 of 2017

&

CrI.M.P.Nos.2377 and 2378 of 2017

1. Sridhar
S/o.Balakrishnan

2. Balakrishnan

3. Punitha
W/o.Balakrishnan

4. Subathra
W/o.Venkatesh

5. Mythili
W/o.Prasath

... Petitioners/Accused 1 to 5

Versus

1. The Inspector of Police,
All Woman Puliyankulam Police Station,
Coimbatore North Taluk,
Coimbatore District.

... 1st Respondent/Complainant

2. Sathya

... 2nd Respondent/De facto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to call for the records in C.C.No.39 of 2015 on the file of Judicial Magistrate Additional Mahila Court, Coimbatore filed by the first respondent herein against the petitioners and quash the same.

For Petitioner : Mr.T.Ganesan

For Respondents : Mr.R.Kishore Kumar
Government Advocate (CrI.Side) for R1

Notice sent service awaited for R2



O R D E R

This Criminal Original Petition has been filed to quash the final report in C.C.No.39 of 2015 pending on the file of Judicial Magistrate Additional Mahila Court, Coimbatore.

2. The case of the prosecution is that the accused caused cruelty to the de facto complainant by using abusive words and also demanded dowry and property from the de facto complainant which has led to the launching of prosecution against these petitioners under Sections 498A, 406 & 50 (ii) read with Section 114 of IPC.

3. The learned counsel appearing for the petitioners submitted that already the petition for divorce and domestic violence case filed by the de facto complainant were dismissed and therefore, the final report has to be quashed.

4. This Court perused the entire materials placed on record.

5. The materials collected by the prosecution indicate that the petitioners have allegedly subjected the de facto complainant to cruelty by demanding dowry. Merely because some other proceedings between husband and wife were not decided in favour of the defacto complainant, cannot be a reason to quash the final report. At the most, the decision in those proceedings can be used as a defence before the trial Court. The allegations in the complaint and statements recorded by the prosecution indicate that final report has to see its logical end. I do not find any merit in the petition and the same is liable to be dismissed.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

gpa/gba

To

1. The Inspector of Police,
All Woman Puliyankulam Police Station,
Coimbatore North Taluk,
Coimbatore District.



2. The Public Prosecutor,
Madras High Court,
Chennai - 104.

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Cr1.O.P.No.3289 of 2017

KSM(CO)
GMY(06/01/2022)