



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.11.2021

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CrI.O.P.No.6728 of 2017 and
CrI.M.P.No.5067 of 2017

1.C.Balasundaram
2.K.Chellamuthu
3.Thathamma

...Petitioners/Accused 1 to 3

Vs

1.State Rep. by the Inspector of Police,
All Women Police Station East,
Coimbatore.

...1st Respondent/Complainant

2.Karthika

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the proceedings in C.C.No.13 of 2017 on the file of the Judicial Magistrate Additional [Mahila Court] Coimbatore and quash the same.

For petitioners : Mr.A.Natarajan, SC
for Mr.C.P.Palanichamy

For Respondents : R1 - Mr.S.Vinoth Kumar,
Government Advocate [Criminal Side]

R2 - Mr.B.Kumarasamy

O R D E R

This petition has been filed to quash the charge sheet filed in C.C.No.13 of 2017 on the file of the learned Judicial Magistrate Additional [Mahila Court] Coimbatore for the offences under Sections 498[A] and 506[i] of I.P.C as against the husband of the defacto complainant and others.



2. The main contention of the learned counsel appearing for the petitioners is that in an earlier complaint filed before the Tiruppur Police Station, there is no serious allegations made against the petitioners. Whereas, in the complaint given in All Women Police Station, Coimbatore, the defacto complainant has improved her version. However, there are no materials available on record to constitute an offence under section 498 [A] IPC. Hence, prayed to quash the final report filed against the petitioners.

3. At the outset, this Court is unable to persuade itself that there are no materials against the petitioners to continue prosecution. Whether the allegations pressed into service are genuine or not and whether they are improved version and whether they constitute any offence have to be tested only during trial. Final report has been filed after completion of investigation and there are allegations of physical cruelty, also mental cruelty. That apart, there is demand of dowry. These are all matter of evidence and this Court cannot draw any general inference that whatever there are allegations against the family members and those allegations are false. Of course, the Courts are aware of the fact that in many cases in matrimonial dispute, family members have been roped unnecessarily out of frustration. But at the same time, while exercising jurisdiction under section 482 Cr.P.C., the Courts cannot go into evidenciary value of the statements recorded by the investigating officers and materials unearthed during investigation. The veracity of the materials pressed into service has to be tested only during trial. In such view of the matter, this Court is not inclined to exercise its jurisdiction under section 482 of Cr.P.C. to quash the proceedings. At this stage, the learned counsel for the petitioners sought indulgence of the Court, to dispense with the personal appearance of the petitioners.

4. Accordingly, this Criminal Original Petition is dismissed with liberty to the petitioner to raise all his legal defence before the trial Court. In view of the submissions of the learned counsel for the petitioners, the personal appearance of the petitioners is dispensed with except for receiving copies, for answering the charges, for questioning under section 313 Cr.P.C. and any other dates fixed by the trial Court. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar



vrc / kbs

To

1.The Judicial Magistrate
Additional Mahila Court,
Coimbatore.

2.The Inspector of Police,
All Women Police Station East,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

+4ccs to Mr.C.P.Palanichamy, Advocate SR. No.61854

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AKII (CO)
PR (09/12/2021)