

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.1394 of 2017
and
Crl.MP.Nos.975 & 976 of 2017

1.Arokkiyasamy
2.Sebasthiammal
3.Manjula
4.Alex @ Mariya Alexsander
5.Arul @ Arulraj
6.Nainar @ Francis
7.RoseMeri @ Somanasameri
8.Roselin Meri

...Petitioners/
Accused 2 to 9

.Vs.

1.State By
The Inspector of Police,
All Women Police Station, (Mathiya Paguthi),
Covai City.

2.Umalurdhu Mery

...Respondent/
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash all the proceedings against the petitioners only in C.C.No.10 of 2016 on the file of the Judicial Magistrate Additional Mahila Court, Coimbatore in Crime No.1of 2015, on the file of the Inspector of Police, AWPS (Mathiya Paguthi) Covai City.

For Petitioner : Mr.Mr.Vasudevan

For Respondent : Mr.C.Raghavan
Government Advocate
for R 1

Mr.Rajasaravanan
for R 2

O R D E R

This criminal original petition has been filed seeking to quash the proceedings in C.C.No.10 of 2016, on the file of the Judicial Magistrate Additional Mahila Court, Coimbatore.

2.The respondent Police has filed a final report before the Court below against 9 accused persons and the same has been taken cognizance for an offence under Section 498(A) and 506(i) IPC.

3.The petitioners have been arrayed as A2 to A9. The 1st and 2nd petitioners are the father and mother of A1. The 3rd, 4th and 5th petitioners are sister and brothers of A1. The 6th and 7th petitioners are uncle and aunt of A1 and the 8th petitioner is the wife of the 4th petitioner.

4.The marriage between the 2nd respondent and A1 took place in the year 2010. There was some misunderstanding between the parties and it is alleged that the de facto complainant was not even allowed to do any work in the matrimonial home and she was not provided with proper food. It is further alleged that the petitioners had imposed so many conditions to the de facto complainant and also got her signature in certain documents and she was also threatened. Based on these allegations, the final report has been filed against 9 accused persons.

5.The prosecution has examined LW-1 to LW-5 to speak about the dispute between the 2nd respondent and her husband's family. LW-1 is the de facto complainant, LW-2 is the mother of LW-1, LW-3 is the father of LW-1, LW-4 is the sister of LW-1, LW-5 is the uncle of LW-1, LW-6 and LW-7 are the neighbors who talk about disputes between the parties and the attempts made to reconcile and settle the dispute.

6.A careful reading of the statements given by the witnesses shows that the same allegations have been repeated verbatim by all the witnesses. This is a typical case where all the family members belonging to the husband have been roped in as accused persons. General allegations have been made against them. The Hon'ble Supreme Court has repeatedly expressed concern on the misuse of Section 498 (A) and the humiliation that is undergone by the relatives of the husband. This Court is reminded of the judgments of the Hon'ble Supreme Court in Preeti Gupta and Another v. State of Jharkhand and Another reported in (2010) 7 SCC 667 and Rajesh Sharma and Others v. State of Uttar Pradesh and Another reported in (2017) 4 CTC 667.

7.The present case squarely falls under the category of cases where criminal prosecution is lodged against all family members of the husband only with a view to cause them mental agony. The Hon'ble Supreme Court has repeatedly held that the family members should not be roped in as an accused without any specific material. But, however the Police keep adding all the relatives as accused persons and those accused persons ultimately knock the doors of this Court under Section 482 of Cr.P.C.

8.In the considered view of this Court, there are absolutely no materials to sustain the charges against the petitioners for an offence under Section 498 (A) and 506(i) IPC and the continuation of the criminal proceedings against the petitioners is an abuse of process of Court, which requires interference of this Court under Section 482 of Cr.PC.

9.In the result, the proceedings in C.C.No.10 of 2016, on the file of the Judicial Magistrate Additional Mahila Court, Coimbatore, against the petitioners is hereby quashed. The Court below is directed to proceed further with the case insofar as accused A1 is concerned and the same shall be completed within a period of three months from the date of receipt of copy of this order.

10.This Criminal Original Petition is accordingly allowed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

1. Judicial Magistrate Additional Mahila Court,
Coimbatore.
2. The Inspector of Police,
All Women Police Station (Mathiya Paguthi),
Covai City.
- 3.The Additional Public Prosecutor,
High Court, Madras.

WEB COPY

CRL.O.P.No.1394 of 2017

UM(CO)
GN(22/02/2021)