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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL. O.P. NO. 27925 OF 2017

AND

CRL.M.P.NOS.15897 & 15898 OF 2017

1. L.Alagappan
S/o.P.L.Lakshmanan
2. Muthulakshmi
W/o.L.Alagappan
3. A.Meenakshi
W/o. Muthukumar
4. L.Meenakshi Sundaram @
Karuppan Chetty

...Petitioners / Accused 2 to 5

Versus

1. State rep. by Inspector of Police
W.27, All Women Police Station,
Vadapalani, Chennai - 600 087.
(Crime No.05 of 2017).
2. Prathiba Swaminathan

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to to quash the proceedings in C.C.No.145 of 2017 pending on the file of the learned Judicial Magistrate I, Poonamallee, Thiruvalluvar District.

For Petitioners ... Mr.A.Arasu Ganesan

For Respondents ... Mr.R.Kishore Kumar
Govt. Advocate
(Crl.side) for R1

Notice sent.
Service awaited for R2



ORDER

This Criminal Original Petition has been filed to quash the proceedings against the petitioners in C.C.No.145 of 2017 pending on the file of the learned Judicial Magistrate I, Poonamallee, Thiruvalluvar District for the offence under Section 498A of IPC.

2. The petitioners herein/ accused (2 to 5) are the father, mother, sister and maternal uncle of the first accused. The marriage between the de facto complainant and A1 was solemnized on 08.06.2015 and for the said marriage, a sum of Rs.50,00,000/- (Rupees fifty Lakhs) was spent by the de facto complainant's family by giving 90 sovereigns of gold, two sets of diamond earrings, two rings, one set of bangle to defacto complainant and 10 sovereigns of gold and one diamond bracelet to A1, 30 kgs of AMC cookware and other household articles.

3. After the marriage, they came to the matrimonial home where A2 to A5 said to have teased the de facto complainant stating that the amount spent by the de facto complainant's parents were very low and if their son (A1) completes MS, he would earn around 30 lakhs per month. The same has caused mental agony to the de facto complainant and she left to US with her husband on 03.07.2015, but the marriage was not consummated. Due to the dispute between the de facto complainant and her husband, she stayed in her friends house and thereafter, came to Chennai on 05.09.2015 and the present complaint has been lodged on 21.12.2016.

4. The learned counsel appearing for the petitioners submitted that the de facto complainant lived in the matrimonial home only less than a month and left to US along with her husband (A1) and even in US, there was a dispute between the husband and wife and the marriage was not consummated. In fact, the US police officials also enquired and found that the de facto complainant was not mentally well at the relevant point of time. Thereafter, she came to India on 05.09.2015. Since the husband has filed a petition for divorce, as a counter blast, the present complaint has been filed roping all the family members of A1 and the final report has been filed mechanically.

5. Though investigation has been completed and final report has been filed, the Government Advocate (Crl.side) is not disputing the fact that there is a matrimonial dispute between the parties and the petition for divorce has been filed by the husband. Normally, the Court will not interfere with the final report when there are materials to proceed with the trial. At the same time, when it appears that the entire prosecution case



itself is motivated to harass the family members due to matrimonial issue, the Court would interfere with the final report if the materials collected by the prosecution indicate that there is a motivation.

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6. If the entire prosecution story is taken as a proof in its face value, the only grievance of the de facto complainant appears to be only as against her husband/ A1. In fact, after the marriage on 08.06.2015, the de facto complainant was in the in-laws house only till 03.07.2015, less than a month and thereafter left to US. The only allegation pressed against the in-laws is that on the day of marriage when she was in the husband's house, they teased her stating that the marriage expenses incurred by her parents is not very high. The evidence collected by the prosecution shows that even in US the marriage was not consummated. There arose the dispute and the husband informed the de facto complainant that he is going to apply for divorce and immediately she also came to India on 05.09.2016.

7. The only allegation against the petitioners is that they teased the de facto complainant by stating that the expenses spent by the de facto complainant's parents are meagre and also demanded dowry. The allegations are very vague. It is to be noted that such allegation is highly inpropable on the very date of the marriage. This Court cannot go into the merits of such allegation, but the fact remains that except stating that the in-laws complained regarding the expenses spent by the de facto complainant's parents for the marriage, no other allegations have been pressed against the in-laws. Of course, general allegations were made against the entire family members in a matrimonial home. Where the husband and wife lived only less than a month and thereafter left to US. The entire allegation targeted against the husband and it appears that the marriage has not been consummated and divorce petition has also been filed, which is not disputed. In such view of the matter, the continuation of the prosecution against the in-laws is nothing but a futile exercise.

8. Accordingly, this Criminal Original Petition is allowed and the final report filed in C.C.No.145 of 2017 is quashed against these petitioners herein/ A2 to A5 alone. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

gpa/gba



To

1. The Judicial Magistrate I,
Poonamallee,
Thiruvalluvar District.

2. The Inspector of Police
W.27, All Women Police Station,
Vadapalani, Chennai - 600 087.

3. The Public Prosecutor
Madras High Court
Chennai.

+1cc to M/s.A.Arasu Ganesan, Advocate, S.R.No.67826

Cr1. O.P. No. 27925 of 2017 and
Cr1.M.P.Nos.15897 & 15898 of 2017

VSN-II (CO)
RLP (30/12/2021)