



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl. O.P. No. 19933 of 2017
and
Crl.M.P.No.12018 of 2017

1. Madasamy
2. Saraswathy . . . Petitioners

Versus

1. State rep. By
Inspector of Police,
W-8, AWPS,
Anna Nagar, Chennai.
(Crime No.5 of 2014)
2. Dr.S.Chandrakala . . . Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in Crime No.5 of 2014 on the file of Inspector of Police, W-8 AWPS, Chennai and quash the same.

For petitioners : Mr.Sunder Mohan

For respondents : Mr.R.Kishore Kumar
Government Advocate(crl.side)
for R.1

No appearance for R.2

O R D E R

This Criminal Original Petition has been filed to quash the proceedings laid down in Crime No.5 of 2014, pending on the file of the Inspector of Police, W-8 AWPS, Chennai.

2. Brief facts which are necessary for the disposal of this Criminal Original Petition are as follows:-



Petitioners are the father-in-law and mother-in-law of the second respondent. Son of the petitioners and defacto complainant got married without the knowledge of the elders in 2002. The defacto complainant was thrown out from matrimonial home by her husband and now living with her parents.

3. Heard the learned counsel appearing for the petitioners and Mr.R.Kishore Kumar, learned Government Advocate (Criminal Side) for the first respondent. There is no representation on behalf of the second respondent.

3. The learned counsel for the petitioners submitted that the entire allegation in the F.I.R is only against the husband of the defacto complainant. The only allegation against the petitioners is that they demanded the defacto complainant either to sign in the loan application or to get Rs.1 Crore from her parents. Except this there is no allegation made against the petitioners.

4. Further, the learned counsel for the petitioners submitted that they are living away from their son in Tuticorin District, which is about 600 kms away from Chennai. Therefore, continuation of investigation is nothing but an abuse of process of law.

5. On an earlier occasion, the petitioners had filed CrI.O.P.No.24430 of 2015, to quash C.C.No.3488 of 2014, pending on the file of II Metropolitan Magistrate Court, Egmore. Vide, order, dated 11/11/2020, this Court had allowed the petition.

6. The couple is practising in Chennai and the children are studying in Chennai. Petitioners/parents-in-law are residing in Tuticorin District. There is no sufficient materials to make the petitioners to come all the way from Tuticorin to Chennai. From the materials available on record, it could be seen that a complaint was lodged by the defacto complainant, dated 14/2/2014, to the Social Welfare Officer, under the Protection of Women from Domestic Violence Act, 2005, to initiate proceeding in C.C.No.3488 of 2014, in the Court of II Metropolitan Magistrate Egmore, Chennai. In the trial Court, in C.C.No.3488 of 2014, the defacto complainant has stated that her father-in-law has said that since it is a love marriage, you have to bear with all these things and if you give one Crore, you can live with him and her mother-in-law has stated that jewels which were given during the marriage are only for the purpose of pledging and men can have relationship with any women. Except this no other allegation was made. As against the said complaint, the petitioners had filed CrI.O.P.No.24430 of 2015. After giving anxious consideration, this Court had quashed the petition.



7. Out of frustration in the matrimonial life of the defacto complainant, both the petitioners have been impleaded in the case on hand. F.I.R. is targeted only against the husband of the defacto complainant not against the petitioners. Therefore, this Court decides to quash Crime No.5 of 2014 pending on the file of the first respondent Police. is quashed against the petitioners.

8. In the result, this Criminal Original Petition is allowed and Crime No.5 of 2014, pending on the file of the Inspector of Police, W.8, AWPS, Chennai, is quashed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

shk/mvs

To

1. The Inspector of Police,
W-8, AWPS,
Anna Nagar, Chennai.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Sunder Mohan, Advocate, S.R.No.61776

Cr1. O.P. No.19933 of 2017

CP[co]
NSK 07/12/2021