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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.29082 OF 2017

AND

CRL.M.P.NO.16423 OF 2017

1. Pazhani
2. Viji, W/o.Pazhani
3. Vijiyalakshmi
4. Viji, S/o.Munuswami

... Petitioners

Vs

State rep. by
The Inspector of Police,
All Women Police Station,
Thiruvannamalai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.236 of 2017 pending on the file of the learned Judicial Magistrate No.II, Thiruvannamalai and quash the proceedings against the petitioners / Accused No.2 to 5.

For Petitioners	:	Mr.N.Baaskaran
For Respondent	:	Mr.R.Kishore Kumar Government Advocate (Criminal Side)

O R D E R

This petition has been filed to quash the charge sheet in C.C.No.236 of 2017 pending on the file of the learned Judicial Magistrate No.II, Thiruvannamalai against the petitioners for the



offences punishable under Sections 498A, 355, 294(b) and 506(i) of I.P.C.

2. The crux of the allegation is that A1 and the defacto complainant befriended and married on 19.01.2016 and started living in the defacto complainant's sister's house. Thereafter, A1 threatened her family and left the defacto complainant and did not come back to the defacto complainant. When defacto complainant went to A1's home to question the same on 30.01.2016, the accused abused her and A3 appears to have stated that others are ready to give 50 sovereigns gold, whereas she has lured A1 and the petitioners also abused her. Thereby, committed the offences.

3. The learned Counsel for the petitioners submitted that though the prosecution had filed the final report, these petitioners have been falsely implicated in a matrimonial dispute. The only allegation against the petitioners is that the defacto complainant went to the house of A1 and the present petitioners allegedly had abused her except that there is no material for causing it.

4. Heard both sides. Perused the entire records.

5. The materials unearthed by the prosecution clearly indicate that the defacto complainant fell in love and married the first accused without the consent of the petitioners and they were residing in the defacto complainant's sister's house. As a result, the defacto complainant became pregnant and thereafter, A1 did not return back. When she went to the A1's house, these petitioners allegedly abused her. Except the allegation of abuse, there are no allegations attributed against the petitioners. The entire allegations clearly indicate that the main grievance is only against A1 who appears to be the husband of the defacto complainant. The defacto complainant met these petitioners only on 30.10.2016 and prior to that, there is no contact between them. Considering the entire materials even taken as a face value, the same are not sufficient to constitute any offence against the petitioners. In such view of the matter, proceeding against the petitioners is nothing but futile exercise.

6. Accordingly, this Criminal Original Petition is allowed and the charge sheet in C.C.No.236 of 2017 pending on the file of the learned Judicial Magistrate No.II, Thiruvananthapuram against the petitioners for the offences punishable under Sections 498A,



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355, 294(b) and 506(i) of I.P.C. is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

vrc / kbs

To

1. The Judicial Magistrate No.II,
Thiruvananthapuram.
2. The Inspector of Police,
All Women Police Station,
Thiruvananthapuram.
3. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.29082 of 2017 and
CrI.M.P.No.16423 of 2017

JPL(CO)
RLP(12/01/2022)