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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 28.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL. O.P. No.25710 OF 2018
and CrI.M.P.Nos.14689 and 14691/2018

1.Suganya

2.Navarathana Chand Bothra

.. Petitioners

- Vs -

1.State of Tamilnadu rep. by its
The Inspector of Police,
W-10 All Women's Police Station,
Flower Bazaar Chennai - I
Crime No.3/2015

2.Chethana Bothra

.. Respondents

Criminal Original Petition filed u/s 482 of the Code of Criminal Procedure, to call for the entire records in C.C.No.631/2018 on the file of the learned 3rd Metropolitan Magistrate Court, George Town at Chennai and quash the same.

For Petitioners : Mr. Vimal B.Crimson
For Respondent : Mr. A.Gopinath for R1
Government Advocate (CrI.side)
Mr.S.Anbalagan for R2

ORDER

This Criminal Original Petition has been filed to quash the case in C.C.No.631/2018 on the file of the 3rd Metropolitan Magistrate Court, George Town at Chennai.

2.It is the case of the petitioners that the marriage between the son of the petitioners and the second



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respondent was solemnized on 07.12.2012 as per Hindu rites and customs. However, within two months of marriage, the second respondent left the matrimonial home. Thereafter, the belongings of the second respondent were obtained by her parents. While so, a Petition in HMOP No.4716/2013 came to be filed for divorce by the son of the petitioner before the Family Court, Chennai. As a counter blast, the second respondent filed a petition in HMOP No.4737/2013 on 17.12.2013 for restitution of conjugal rights. However, in the year 2015, a complaint has been preferred after a lapse of two and a half years, which culminated in C.C.No.631/2018 for offence under Sections 498(A) IPC and Section 4 r/w 6 of Prohibition of Dowry Act.

3.The learned counsel for the petitioners would submit that though the marriage was solemnized on 07.12.2012, the dispute arose between the second respondent and the son of the petitioners within a year. Thereafter, the petitions for divorce and restitution of conjugal rights have been filed by the son of the petitioner and the second respondent respectively. However, during the year 2015, a complaint came to be registered and a final report came to be filed in C.C.No.631/2018. The complaint against the petitioners are that they verbally abused the second respondent. In order to harass the petitioners, the complaint came to be filed after a period of two and a half years, which is unsustainable in law. Hence, to quash the same, the present petition has been filed.

4.The learned counsel for the second respondent would submit that in order to maintain cordial relationship, the second respondent filed a petition for restitution of conjugal rights and only on bonafide intention and felicitating reunion, she filed the said petition. However, it is stated by the learned counsel for the second respondent that the petitioners prevented their son to live with the second respondent and since there is no hope for reunion, the present complaint came to be lodged after two and a half years, which is perfectly maintainable one and the mere delay will not vitiate the complaint and the offence committed by the petitioners and that the trial has also commenced.

5.Considering the facts and circumstances of the case and considering the fact that the allegation against the petitioners is that they verbally abused the 2nd respondent, while she was



in matrimonial home. Thereafter due to strained relationship already, the petitioners' son filed divorce petition and the second respondent also filed restitution of conjugal rights petition. However, the present complaint has been lodged after a period of two and a half years, which is unsustainable in law and hence, on this sole ground, the case in C.C.No.631/2018 pending on the file of the 3rd Metropolitan Magistrate Court, George Town at Chennai is quashed insofar as the petitioners are concerned.

6.The criminal original petition is allowed accordingly. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

RR

To

1.The III Metropolitan Magistrate
Chennai.

2.The Inspector of Police,
W-10 All Women's Police Station,
Flower Bazaar Chennai - I

3. The Public Prosecutor
High Court, Madras.

+2CCs to Mr.S.Anbalagan, Advocate, SR.No. 36747

CRL. O.P. NO. 25710/2018

NK(CO)

B.VC (26/08/2021)