



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2021

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.2203 of 2021
and Crl.M.P.(MD).Nos.1089 & 1090 of 2021

Bharisha Begam

.. Petitioner

Vs.

1.The State rep. by The Inspector of Police,
All Women Police Station,
Dindigul.
(Crime No.33 of 2014)

2.Nadhira Banu

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the final report in C.C.No.436 of 2014 on the file of the learned Additional Mahila Court, Dindigul and quash the same as against this petitioner as illegal and devoid of merits.

For Petitioner : Mr.M.Jagadeesh Pandian

For Respondents : Mr.R.Srinivasan
Government Advocate (Crl. Side)

ORDER

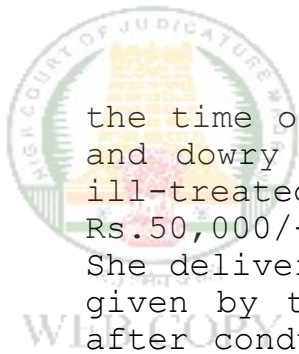
(This writ petition is heard through video conference)

This criminal original petition has been filed seeking to quash the final report filed in C.C.No.436 of 2014, on the file of the learned Additional Mahila Court, Dindigul.

2.On the basis of the complaint given by the second respondent herein the cases in Crime No.33 of 2014 for the offences punishable under Sections 417, 420, 498A & 506(ii) IPC and Section 4 of Prevention of Women from Harassment Act, was registered by the first respondent, which was later altered into 417, 420, 498A, 506(ii) of IPC and Section 4 of Women Harassment Act and Section 4 of Dowry Prohibition Act on 08.08.2014.

3.The case of the second respondent is that the marriage was performed on 16.01.2011 between herself and the first accused and at

<https://hcservices.ecourts.gov.in/hcservices/>



the time of the marriage, she was given 3 sovereigns of gold jewels and dowry of Rs.20,000/-. After the marriage, the accused person ill-treated her and on 20.06.2011, demanded dowry amount of Rs.50,000/- and she was forcibly evicted from the matrimonial house. She delivered a child on 25.09.2011. On the basis of the complaint given by the second respondent, the above case was registered and after conducting the investigation, a final report was filed before the concerned jurisdictional Court, which was also taken on file in C.C.No.436 of 2014 and committed to the Additional Mahila Court, Dindigul and is now pending. Now Seeking quashment of the final report, the petitioner, who is the fourth accused before the trial Court has filed this criminal original petition on the ground that the marriage between the petitioner and the first accused took place in the year 2011. She was not aware of the marriage between the defacto complainant and accused No.1. She is the first wife of the first accused. There was some misunderstanding between them. The alleged occurrence took place in the year 2011. The complaint has been lodged in the year 2014. So she is no way connected with the alleged occurrence.

4.The learned counsel for the petitioner submitted that the petitioner is the fourth accused in the final report. The first accused is the husband of the fourth accused. It is the further contention that only after one year from the date of marriage the alleged occurrence said to have taken place and being a lady her personal appearance may be dispensed with before the trial Court and considering the limited request made by the learned counsel for the petitioner, without going into the merits of the case, the personal appearance of the petitioner before the trial Court is dispensed with on condition that the petitioner must appear before the trial Court within a period of four weeks from the date of receipt of a copy of this order and filing an undertaking affidavit that she will appear as and when required by the learned Magistrate by affixing an attested photo.

5.With this directions, this petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

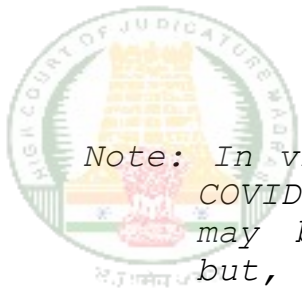
Assistant Registrar(AE)

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/ /2021

Sub Assistant Registrar(CS)

TM



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate No.II, Dindigul.
- 2.The Judge, Additional Mahila Court, Dindiugul.
- 3.The Inspector of Police,
All Women Police Station, Dindigul.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**Crl.O.P. (MD) .No.2203 of 2021
26.04.2021**

PK(CO)
TR(11.06.2021) 3P 5C