



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R.THARANI

Crl.O.P.(MD)No.2897 of 2021

and

Crl.M.P(MD) .Nos.1565 and 1566 of 2021

Raja Murugan

... Petitioner/A1

Vs.

1.The State rep., by
The Inspector of Police,
All Women Police Station,
Sivakasi,
Virudhunagar District.
(Crime No.6 of 2018)

...1st Respondent/Complainant

2.Lavanya

... 2nd Respondent/Defacto
Complainant

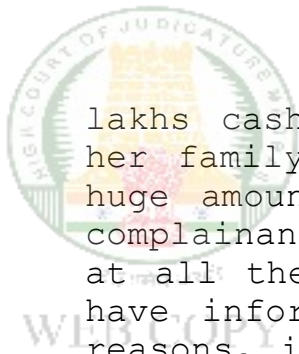
Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C to call for the records pertaining to the case in CC.No. 112 of 2019 on the file of the learned Judicial Magistrate No.1, Sivakasi, Virudhunagar District and quash the same.

For Petitioner : Mr.P.Krishnasamy
For R1 : Mr.A.Robinson
Government Advocate (Criminal side)

ORDER

The petition is filed to quash CC.No.112 of 2019 on the file of the learned Judicial Magistrate No.I, Sivakasi.

2.On the side of the petitioner it is stated that a case was registered against the petitioner and others. 161 statement (interested witness alone) was recorded by the police. No independent witness was examined. Marriage was solemnized between the petitioner and the defacto complainant on 19.10.2018 and they live together only for 18 days. The allegation against the petitioner is that he demanded dowry on the very next day of marriage. There is no chance to ask dowry immediately on the first day of marriage. Demanding of 20 sovereigns of gold and 10



lakhs cash is beyond the capacity of the defacto complainant and her family members and there is no possibility of asking such a huge amount from her as dowry. The petitioner and the defacto complainant went to her parent house for feast on 21.10.2018. If at all the complainant has harassed by the petitioner, she would have informed her parent on that date itself. For the above reasons, it is clear that there is no dowry harassment and prayed the case to be quashed.

3. On the side of the respondents it is stated that for starting a business the petitioner and others demanded dowry and assaulted the defacto complainant. The occurrence took place within the house of the petitioner and there is no possibility for an independent witness in the house and prayed the petition to be dismissed.

4. It is seen that there is some matrimonial dispute between the petitioner and the defacto complainant and the case is pending for trial. The point raised by the petitioner is that there is no possibility for dowry demand immediately after the date of marriage and that no independent witness was examined by the prosecution. Whether there was dowry demand and whether the defacto complainant was harassed by the petitioner cannot be decided on the basis of 161 statement recorded by the police. This fact requires trial and only after the completion of trial, the involvement of the petitioner can be decided. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

rmk

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 Inspector of Police,
All Women Police Station,
Sivakasi,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.2897 of 2021
24.02.2021

KM (17.03.2021) 3P 3C