



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

Cr1.OP(MD)No.1488 of 2017

and

Cr1.MP.(MD)Nos.1231 & 1232 of 2017

1.Rangasamy

2.Kumar

3.Nagarajan

4.Ravi Kumar

5.Muruganandam

6.Murugesan

7.Jayakodi : Petitioners/Accused Nos 1 to 7

Vs.

1.State through
The Inspector of Police,
Kantharvakottai Police Station,
Pudukottai District. : Respondent No. 1/Dejure complainant

2.T.Gurusamy : Respondent No. 2/Defacto Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the records in PRC.No.79 of 2016 on the file of the learned Judicial Magistrate, Pudukottai and quash the same insofar as the petitioners are concerned.

For Petitioners : Mr.R.Alagumani

For Respondents : Mr.T.Senthil Kumar,
Standing Counsel for the State
for R.1

Mr.A.Balakrishnan,
Legal Aid Counsel
for R.2



ORDER

The petitioners, who are accused in Cr.No.33 of 2016 on the file of the Kantharvakottai Police Station, Pudukottai, have filed this application as against the final report, which was filed by the first respondent police and pending before the learned Judicial Magistrate, Pudukottai, in PRC.No.79 of 2016. The final report was filed for the offence under Sections 147, 294(b), 323 IPC and Section 3(1) of TNPPDL Act, that on 09.02.2016, the petitioners went to the house of the defacto complainant and damaged certain articles and also used abusive words against the defacto complainant.

2. The case of the petitioners is that on 09.02.2016 at about 04.30 pm, they received a call that the first petitioner's sister, namely, Selvarani, is suffering from ill health and therefore, the petitioners went to the house of the first petitioner's sister, wherein, they found the said Selvarani lying dead. Her husband and other family members absconded from the house. The mother of the first petitioner went to the first respondent police station and lodged a complaint as against her son-in-law and others for dowry harassment and dowry death. The same has been registered in Cr.No.32 of 2016 under Section 174 Cr.P.C and an enquiry by the Sub Collector was also ordered. As a counter blast, this complaint has been foisted.

3. Learned Counsel for the petitioners submitted that on 09.02.2016, the first petitioner's sister was killed by the defacto complainant and his family members. For having lodged a complaint as against the defacto complainant and his family members, this complaint has been foisted as if the petitioners have abused and also caused damage to certain articles. The first respondent police has also filed the final report in a mechanical manner without ascertaining the truth.

4. Learned Standing Counsel for the State submitted that the first petitioner's sister was married to the son of the defacto complainant and they constructed a house and performed a house warming ceremony on 10.02.2016. The brother-in-law of the first petitioner, Deenathayalan, has not extended any invitation to the first petitioner and therefore, there was a quarrel between the husband and wife / the first petitioner's sister. The first petitioner's sister has committed suicide, by hanging, in her matrimonial house.

5. On knowing about this incident, the petitioners went to the defacto complainant's house and ransacked the house. Based on the complaint of the defacto complainant, the case in Cr.No.33 of 2016 was registered by the first respondent police as against the petitioners. After concluding the investigation, final report has been filed in PRC.No.79 of 2016 before the learned Judicial Magistrate, Pudukottai and was also committed to the Principal District Court, Pudukottai, in S.C.No.108 of 2018. He further submitted that the trial has already commenced and five witnesses were examined on 07.01.2020 and summons were issued for witnesses 6 to 11 and the trial was adjourned to 19.07.2021.



6. Insofar as the complaint made by the first petitioner's mother, learned Standing Counsel submitted that a case was registered in Cr.No.32 of 2016 under Section 174 Cr.P.C and later altered to Sections 498A & 304(b) IPC, as against the defacto complainant. In the said complaint, the Sub Collector has conducted an enquiry and reported that there was no dowry harassment. The Deputy Superintendent of Police has conducted the investigation in that case and closed the same as mistake of facts.

7. No doubt, this is an unfortunate incident. It appears that on account of the sudden demise of the first petitioner's sister, the petitioners have caused certain damage to the defacto complainant's family. On the complaint of the defacto complainant, a case has been registered. The grounds raised by the petitioners cannot be appreciated for quashing the proceedings pending against them. Moreover, the learned Standing Counsel for the State submitted that the trial has already commenced and five witnesses were examined by the trial Court and summons have been issued to the remaining witnesses.

8. In such view of the matter, this criminal original petition stands dismissed, with liberty to the petitioners to raise all the grounds, that are raised herein, before the trial Court. Consequently, connected miscellaneous petitions stand closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk

To

1.The Principal District Judge,Pudukottai.

2.The Judicial Magistrate, Pudukottai.

3.The Inspector of Police,
Kantharvakottai Police Station,Pudukottai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-22395[F] dated 13/07/2021)

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MGJ(16.07.2021) 3P 6C

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