



Crl. O.P. No. 1421 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.1421 of 2022
a n d
Crl.M.P.Nos.563 and 564 of 2022

1. R. Venkatesh
2. J. Ramesh
3. R. Jamuna Rani ... Petitioners

Vs

1. State
rep. By The Inspector of Police
W 32 All Women Police station
Madipakkam.

2. Nagadevi ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to quash C.C.No.303 of 2020 on the file of the Court of Additional Mahila Judge, Alandur.

For Petitioner ... Mr.R.Thenamirtha Shyamala

For respondents ... Mr.A. Gokulakrishnan
Additional Public Prosecutor
for R.1

Mr.L.Rajasekar
for R.2.



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ORDER

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This Criminal Original Petition has been filed to quash C.C.No.303 of 2020, filed against the petitioner, for the offences punishable under Sections 498 (A), 324 and 506 (i) of the Indian Penal Code, on the file of the learned Additional Mahila Judge, Alandur.

2. The crux of the allegation in the First Information Report is that after the marriage between the defacto complainant and first accused, defacto complainant was subjected to cruelty and physical violence by her husband. At the behest of his parents, insisted salary of the defacto complainant to be given to his parents and thereby, she lodged a complaint.

3. Heard Ms.R.Thenamirtha Shyamala, learned counsel for the petitioner, Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the first respondent and Mr.L.Rajasekar, learned counsel for the second respondent.

4. Learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case and no such occurrence had taken place and due to the matrimonial dispute between the defacto

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complainant and first petitioner, all the petitioners have been implicated.

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5. The learned Additional Public Prosecutor appearing for the State submitted that the defacto complaint has made allegations against all the accused. After thorough enquiry only, final report has been filed against all the accused. Therefore, he opposed for quashment of C.C.No.303 of 2020.

6. A perusal of the allegations levelled against the accused, it is evident that allegations raised by the defacto complainant are mainly against the first accused. The only allegation levelled against A.2 and A.3 is that A.1, at the behest of his parents/A.2 and A.3, subjected the defacto complainant to cruelty. The further allegation levelled against A.3 is that she will not allow the defacto complainant to live peacefully with A.1. The entire statements of the witnesses even taken as a face value, not sufficient to make out any charge against A.2 and A.3.

7. Further, it has been the consistent view of the Courts that the Court will not venture into, to test the veracity of the statements by conducting a mini trial and that the materials collected by the prosecution, taken at its face value



should constitute an offence against the accused. If the materials do not constitute an offence against the accused, no purpose would be served in continuing the final report as otherwise it would lead to forcing the persons to face the ordeal of the trial.

8. In the case on hand, as aforesaid, there are no prima facie materials to constitute any offence against A.2 and A.3 and therefore, continuing the trial, as against A.2 and A.3 would only be an ordeal for the said persons.

9. For the reasons aforesaid, this Criminal Original Petition is partly allowed and C.C.No.303 of 2020, pending on the file of the learned Additional Mahila Judge, Alandur, is hereby quashed, in so far as A.2 and A.3 are concerned. The learned Additional Mahila Judge, Alandur, is directed to proceed with the trial as against A.1, as per law. Consequently, the connected Criminal Miscellaneous Petitions are closed.

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Internet: Yes
Speaking/non speaking order
mvs.

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1. The Inspector of Police
W 32 All Women Police station
Madipakkam.
2. The Additional Mahila Judge, Alandur.
3. The Public Prosecutor
Madras High Court.

N. SATHISH KUMAR, J



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