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CrI.O.P.No.1643 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

CrI.O.P.No.1643 of 2021 and
CrI.M.P.Nos.970 & 972 of 2021

- 1.Raja
- 2.Subramaniyan
- 3.Vijayalakshmi

... Petitioners

Vs.

- 1.State, Rep. By
The Inspector of Police,
All Woman Police Station,
Virudhachalam,
Cuddalore District.

- 2.R.Priya

...

Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records of C.C.No.16 of 2020 on the file of the Judicial Magistrate, Tittagudi, Cuddalore District and quash the same.

For Petitioners : Mr.G.Ramar for

Mr.S.Sarath Chandran

For Respondents : Mr.A.Damodaran, APP for R1



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ORDER

WEB COPY This Criminal Original Petition has been preferred to call for the records in C.C.No.16 of 2020 on the file of the Judicial Magistrate, Tittagudi, Cuddalore District and quash the same.

2. Heard Mr.G.Ramar, learned counsel for the petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for the first respondent.

3. The petitioners are the accused 1 to 3. On the complaint given by the second respondent who is the wife of the first petitioner, a case has been registered for the offence under Sections 498(A), 294(b), 506(1) of I.P.C., on 06.07.2019. After completing the investigation, a charge sheet has been filed against the accused 1 to 3 for the same offence.

4. The case of the prosecution is that the second respondent is married to the first accused on 25.04.2012. Subsequent to the marriage, the second respondent and the first accused were living as husband and wife by constituting a separate family in Chennai. The parents of the first accused and his sister were living at Cuddalore. It is alleged by the second respondent that



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due to their wedlock, they have a female child by name Dakshitha. Before nine months from the date of occurrence, the second respondent and the first accused came to the mother's village of the second respondent and they have been living separately. It is alleged that during that time, the first accused along with his parents had caused mental and physical cruelty on the second respondent. On the basis of the above allegation, a case has been registered in FIR No.12 of 2019. After completing the investigation, a charge sheet has also been filed.

5. The learned counsel for the petitioners submitted that the parents of the first accused were living separately and there is no overtact on their part; the first petitioner is also in no way connected with any offence as alleged by the second respondent; the complaint has been given with motive; even the elements as to the offence under Section 294(b) will also not made out in view of the allegations that the accused abused the complainant inside her house.

6. On perusal of the materials placed before this Court, it is seen that the second respondent has made consistent allegations only against her husband who is the first petitioner herein. The statement of the second respondent would show that there was no dispute between the couple for eight years while



they were living in Chennai. The problem has started after they shifted to Kozhiyur. It is alleged by the second respondent that the first petitioner used to go to his father's place for visiting them and while he comes back, he would consume liquor and ill-treat the second respondent. The statement about the involvement of the second and third petitioners is very vague and not concrete.

7. Excepting one occurrence which is said to have taken place on 28.05.2019, alleging that the second and third accused had also come along with the first accused to Kozhiyur and they abused the second respondent, the second respondent has not alleged any other facts as against the second and third petitioners. The second and third petitioners did not live along with the second respondent and the first accused during any time subsequent to their marriage. Even if it is taken that the second and third petitioners had lived along with the first accused at Chennai, the second respondent did not make any specific allegations against the first petitioner when they were living in Chennai. It is reliably learnt that the second petitioner who is the father of the first accused, had already died. So the mother of the first accused who is a senior citizen will be living alone. Considering such circumstances and also in the absence of any serious allegations against the third petitioner, I feel that the



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case should be quashed against the third petitioner alone by invoking the powers of this Court under Section 482 of Cr.P.C.

8. In the result, this Criminal Original Petition is partly allowed and the charge sheet in C.C.No.16 of 2020 on the file of the Judicial Magistrate, Tittagudi, Cuddalore District, is quashed in respect of the third petitioner alone. Consequently, connected miscellaneous petitions are closed.

Index: Yes/No
Speaking / Non Speaking Order
gsk

27.09.2022

To

1.The Inspector of Police,
All Woman Police Station,
Virudhachalam,
Cuddalore District.

2.The Public Prosecutor,
High Court of Madras.



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R.N.MANJULA, J.

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