



Crl.OP.No.3268 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Date of Reserving Order 22.06.2022	Date of Pronouncing Order 01.07.2022
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CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.OP.No.3268 of 2018

and

Crl.MP.Nos.1403 of 2018 & 17600 of 2019

1.Appadurai,
S/o.Ramasasi Arulraj,
Aged about 56 years,
No.32/50, Dhandavarayan Muthali Street,
Old Vannarpet, Chennai 600 021.

2.Suganthi, W/o.Appadurai,
Aged about 54 years,
No.32/50, xxDhandavarayan Muthali Street,
Old Vannarpet, Chennai 600 021.

... Petitioners

Vs.

1.State, Rep. by
Inspector of Police,
W-9, All Women Police Station,
Villivakkam Police Station,
Chennai 600 049.

2.Joy Cartlin,
No.19, Rangadas Colony,
1st Street, Kolathur,
Chennai 99.

... Respondents



Cr1.OP.No.3268 of 2018

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for records and quash the charge sheet in C.C.No.1501/2017 on the file of learned Chief Metropolitan Magistrate, Egmore, Chennai and allow the same.

For Petitioner : Mr.V.T.Narendiran
For Respondents : Mr.C.E.Prathap (for R1)
Government Advocate (Cr1. Side)
Mr.A.V.Arun (for R2)

ORDER

The Petitioners seek quashment of C.C.No.1501/2017 on the file of learned Chief Metropolitan Magistrate, Egmore, Chennai.

2.The Petitioners herein are Father-in-law and Mother-in-law of the 2nd Respondent herein. The marriage between the 2nd Respondent and son of the Petitioners herein was solemnised on 18.01.2013 at Gemini Cathedral Church. The 2nd Respondent herein filed an FIR in Cr.No.07 of 2015 dated 21.05.2015 for the offences alleged under Section 498 (A) of IPC @ 406, 506 (i) of IPC & 6 of Dowry Prohibition Act. The 1st Respondent filed final report in the above said Crime and the same was taken on file for the offences under Section 406,



Crl.OP.No.3268 of 2018

506 (1) and Section 6 of Dowry Prohibition Act. In addition to the above FIR, the defacto complainant, their daughter-in-law has also preferred a case against the Petitioners in Domestic Violence Act, which is pending in Crl.MP.No.42 of 2015 on the file of the XV Metropolitan Magistrate at George Town, Chennai. Based on the FIR, the Respondent has filed a charge sheet against the petitioners, wherein the Petitioners are arrayed as 2nd and 3rd accused.

3.The learned counsel for the Petitioner would contend that the 2nd and 3rd Petitioners were residing at No.32/50, Dhandavarayan Muthali Street, Old Vannarpet, Chennai 600 021 and the Petitioners' son was residing at No.10, Immanuvel Street, Periyar Nagar, Tharamani, Chennai 600 113 and at last at Villivakkam at No.19, Rangadas Colony 1st Street, Villivakkam, Chennai 99.

4.Perusal of the statements recorded under Section 161 Cr.P.C., of all the witnesses, especially, the Defacto Complainant viz., Joy Cartlin, reveals that, at the time of marriage, it was represented to the bride that son of the Petitioners was a graduate and employed as a Manager in a private company. However, the same appears to be a false representation. The incident relating to 16.03.2014 was specifically spoken to number of witnesses, whose statements



Cr1.OP.No.3268 of 2018

have been recorded during the investigation and there is specific allegations against these Petitioners. Considering the nature and scope of this Petition, this Court imposing self restriction upon it, in commenting about the various averments made by the Defacto Complainant.

5.The incidents referred to on 16.03.2014, 8.04.2015 & 15.05.2015 are amply demonstrate that the prima facie case is made out against these Petitioners. All the shridhana articles belonging to the Defacto Complainant is alleged to have been taken by the Petitioners along with their son and hence, I find that prima facie materials are available for the offence under Section 406, 506 (i) IPC and Section 6 of the D.P. Act and hence, I am not inclined to entertain this Criminal Original Petition and the other averments made in the Petition are relating to the factual position that are subject to the matter of trial.

6.Since the Petitioners 1 and 2 are senior citizens, their personal appearance shall be dispensed with, unless, it is absolutely necessary and they are required to appear whenever the Court specifically direct them to appear so.

7.With these observations, this Criminal Original Petition is dismissed.



Crl.OP.No.3268 of 2018

Consequently, connected Miscellaneous Petitions are closed.

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01.07.2022

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

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To

1.The learned Chief Metropolitan Magistrate,
Egmore, Chennai.

2.The Public Prosecutor,
High Court,
Chennai 600 104.



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Crl.OP.No.3268 of 2018

RMT.TEEKAA RAMAN.J,

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Pre-delivery Order made in

Crl.OP.No.3268 of 2018

and

Crl.MP.Nos.1403 of 2018 & 17600 of 2019

Dated: 01.07.2022