

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.2251 of 2019
and
Crl.M.P.No.1468 of 2019

1. Veeramani
2. Revathi .. Petitioners A2 & A3

Vs.

1. The State rep. by
The Inspector of Police,
All Women Police Station,
Tiruppur South,
Tiruppur City.
(Crime No.5 of 2018) ..Respondents/Complainant

2. M.K.Madhu Bharathi .. Respondents/ Defacto Complainant

Prayer: Petition filed under Section 482 of Criminal Procedure Code to call for the records in C.C.No.127 of 2018 pending on the file of the Learned Judicial Magistrate No.II, Tiruppur and quash the same.

For Petitioners : Mr.P.Panchatcharam,
No appearance

For R 1 : Mr.S.Suganthan
Government Advocate (Crl. Side)

For R2 : No Appearance

O R D E R

This petition is filed to quash C.C.No.127 of 2018 on the file of the Learned Judicial Magistrate No.II, Tiruppur for the alleged offences under Sections 498-A, 406 and 506(ii) of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998.

2. The petitioners are Accused Nos.2&3. The complaint was given by one Meenakumari alleging dowry demand, harassment, breach of trust and criminal intimidation. These petitioners are

mother-in-law and sister-in-law of the defacto complainant. According to these petitioners, the defacto complainant, who married one Karthick Kumar on 29.08.2014, was subjected to cruelty by her husband and in-laws. The jewels given as "Sridhana" were misappropriated by them and the nude photos of the defacto complainant was taken and she is subjected to threat stating that the same will be uploaded in the Whatsapp and further, they demanded Rs.10,00,000/- (Rupees Ten Lakhs) as further dowry. Contending that the said complaint is a frivolous one and filed to wreak vengeance against the petitioners, who are no way connected with the clash of the defacto complainant and her husband claiming that the criminal prosecution is a manifestation of mala fide instituted with an ulterior motive and therefore to be quashed by following the dictum laid down by the Hon'ble Supreme Court in Bhajanlal case reported in 1992 SCC (Cr1) 426.

3. The Learned Government Advocate (Cr1. Side) would submit that the trial in this case has reached advanced stage. The prosecution witnesses have already been examined and the matter is posted for questioning the accused under Section 313 of Cr.P.C. The claim of the petitioners to quash the criminal complaint is not substantive, since being the mother-in-law and sister-in-law of the defacto complainant and prima facie materials available for prosecuting, the final report was filed based on the statement of the witnesses recorded in course of the investigation and the witnesses have already deposed before the Judicial Magistrate and the petitioners herein cannot circumvent the legal process.

4. This Court, on considering the facts and current stage of trial, finds that, since there is a prima facie material against these petitioners, final report based on the statement of witnesses being filed and the trial Court has taken cognizance of the case and commenced the trial and the examination of witnesses are already completed and the petitioners had all opportunity to cross examine the witnesses to discredit the evidence. It is not the case to interfere under Section 482 Cr.P.C for quashing.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

sma/jd

To

1. The Inspector of Police,
All Women Police Police Station,
Tiruppur South,
Tiruppur City.
2. The Judicial Magistrate No.II,
Tiruppur.
- 3.The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.2251 of 2019

MT(CO)
SB(17/06/2022)