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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.3308 of 2019

1.Kumar
2.Mary
3.Komala
4.Esthar

... Petitioners

Vs.

1. State by,
The Inspector of Police,
W-22, All Women Police Station,
Mylapore,
Chennai - 600 004.

2. Sathya

... Respondents

Prayer:

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.2428 of 2018 pending on the file of the Metropolitan Magistrate - XVIII, Saidapet, Chennai and quash the charge sheet pending against the petitioners.

For Petitioners : Mr. B.S. Ramesh

For Respondents : Mr. N.S. Suganthan, for R1
Government Advocate (Crl.Side)
Mrs. Louisal Ramesh, for R2

O R D E R

The petition is filed by the accused 2 to 4 to call for the records in C.C.No.2428 of 2018 on the file of XVIII, Metropolitan Magistrate, Saidapet, Chennai and quash the same.

2. The case against these petitioners came to be registered based on the complaint given by one Sathya alleging that she was married to Dilip Kumar on 29.01.2015 and blessed with a male child. The petitioners / accused 2 to 4, are in-laws of her husband-Dilip Kumar. Before marriage and after



marriage, there was demand for dowry from her husband and in-laws and the same was met by her parents inspite of that she was treated cruelly by them demanding more dowry. Later, she came to know that her husband is having an affair with a girl by name Epsiya and when she objected the illegal affair, her husband and in-laws tortured her and driven her out from the matrimonial home. By that time, she was conceived and when she informed about the same to her husband and in-laws, they did not care to meet her or spend for her delivery. The complaint was lodged to All Women Police Station about the conduct of the petitioners. The police called her husband and in-laws and adviced them to take her back. They demanded Rs.5 lakhs as dowry and refused to sever the relationship with Epsiya. The respondent-police registered the FIR dated 16.08.2016 and after recording the statement of witnesses has filed final report against husband of the defacto complainant and her in-laws for the offence under Section 498(A) IPC and the same has been taken on file by the XVIII Metropolitan Magistrate, Saidapet in C.C.No.2428 of 2018.

3. Learned counsel appearing for the petitioners submit that the real trouble between the defacto complainant and her husband is regarding the extra marital affairs. Both the husband and wife were making allegation against each other doubting their fidelity. Within few months of the marriage, the defacto complainant left the matrimonial home and living separately. Divorce petition has been initiated by Dilip Kumar before the Family Court, Chennai in O.P.No.2821 of 2016. On receipt of the summons in the said O.P., the present complaint has been lodged with false allegations roping the in-laws as accused.

4. Learned counsel would further submit that the petitioners who are mother-in-law, father-in-law and sisters-in-law of the defacto complainant are living separately and there was no demand of dowry either before marriage or after marriage. There is no element of cruelty either physically or mentally made out in the complaint or in the statement of witnesses.

5. Learned counsel for the petitioner referring the divorce petition stated that serious allegations are made against the defacto complainant about her conduct and torture caused by her and her family member to Dilip Kumar. To prosecute the in-laws, there is no sufficient evidence.

6. Learned counsel appearing for the defacto complainant would submit that the said Dilip Kumar, husband of the defacto complainant is a womanizer. He is having several extra marital affairs. When his affair with one Epsiya came to the knowledge of the defacto complainant, her husband and in-laws started treating her cruelly. The money received as dowry



10. In the result, petition to quash is dismissed against first petitioner/A2. Petition to quash is allowed in respect of A3 to A5 who are petitioners 2 to 4 herein. The trial Court is directed to complete the trial preferably within a period of six months from the date of receipt of copy of this order. Accordingly, this criminal original petition is partly allowed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

AT

To

1. The XVIII, Metropolitan Magistrate, Saidapet, Chennai.
2. - Do through The Chief Metropolitan Magistrate, Chennai.
3. The Inspector of Police,
W-22, All Women Police Station,
Mylapore, Chennai - 600 004.
4. The Public Prosecutor
High Court, Madras - 104.

+1cc to Mr. B.S. Ramesh, Advocate, S.R.No.35709
+2cc to Mrs. Louisal Ramesh, Advocate, S.R.No.35432

Cr1.O.P.No.3308 of 2019

KK(CO)
CT/01/07/2022