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CRL.O.P.NO.3244 OF 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

CRL.O.P.NO.3244 OF 2021
AND CRL.MP.NOS.1839 AND 1840 OF 2021

Visalatchi

... Petitioner

Vs.

1. State Represented by
The Inspector of Police,
Otteri Police Station,
Kancheepuram District.

2. Selvi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.
praying to call for the records in SC.No.81 of 2020 on the file of the learned
Mahila Court, Chengalpattu and quash the same.

For Petitioner : Mr.P.Kumaresan

For Respondent 1 : Mr.A.Damodaran
Additional Public Prosecutor

For Respondent 2 : Mr.R.Balachandran



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ORDER

The Criminal Original Petition has been filed to call for the records in SC.No.81 of 2020 on the file of the Mahila Court, Chengalpattu and quash the same as against the petitioner.

2.The petitioner is the second accused in the case filed by the first respondent - Police in the above said SC.No.81 of 2020 pertaining to Crime No.285 of 2018. The first accused is the son of the petitioner and husband of the deceased Maathangi. The defacto complainant is the mother of the deceased Maathangi. The marriage between the first accused and the deceased was held on 19.01.2017. The deceased was working as Assistant Manager in Indian Bank, Melamaiyur Branch, Chengalpattu District and she was living with the first accused. The petitioner along with her husband were living at No.45/1, North Street, Ma. Arasur, Kumaratchi (via) Kattumannarkoil, Cuddalore District. The first accused was working as a Motion Graphic Designer in a flex company at Perungudi.

3.The allegation against accused 1 and 2 in this case is that they had quarreled with the deceased and abused her both physically and



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emotionally. The deceased died in a suspicious manner after seven (7) years of her marriage. After the completion of investigation, accused 1 and 2 have been charged for the offences under Sections 304-B(2) and 498-A (b) of IPC.

4. Heard both sides. Perused the materials available on record.

5. The learned counsel for the petitioner submitted that the petitioner is the mother of the first accused and she is a senior citizen. He further submitted that there is no strong allegation against her that she had demanded dowry and caused cruelty to the deceased. He also relied upon the documents namely, RDO Report and Death Certificate. The learned counsel has further submitted that the RDO report does not state anything about dowry demands made by the mother-in-law and that the Death Certificate shows that the deceased had died due to cardiac arrest and pulmonary disease and the statement of the brother of the defacto complainant would also show that the petitioner went to the house of the deceased occasionally just to help her when she was pregnant.



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6.The learned Additional Public Prosecutor for the State submitted that there are serious allegations against the petitioner that she also demanded money and treated the deceased cruelly; She had instigated the first accused to assault the deceased; the RDO report to show that the husband of the deceased had harassed the deceased physically and emotionally; her Whatsapp chats would show that she was attacked brutally by the first accused by suspending her upside down; the RDO report states that the death of the deceased is not a natural one and that she was brutally attacked by the first accused at the instigation of the second accused; since the materials make out a case against both the accused the petition should be dismissed.

7.The learned counsel for the defacto complainant submitted that in the diary writings of the deceased, she had written about her day-to-day ordeal at the hands of both the accused; she had also left a note by stating that if she happened to die, her husband and his family members alone could be the reason.

8.The materials on records would show that the allegations are



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very serious in nature and the deceased was subjected to a kind of mental and physical torture, which no ordinary woman can tolerate. The letters and diary writings of the deceased were also seized wherein the deceased had written about the manner in which she was ill-treated by her husband and his mother. She had also shared her plight with her colleague Yaazhisai. The father of her colleague Yaazhisai, by name Ponnurangam has also stated in his statement by stating that his daughter and her friends had formed a Whatsapp group in which they used to communicate between themselves. The deceased sometimes visited the house of Ponnurangam and at that time, she was found to be tired and she had shared her mental agony due to the torture caused by her mother-in-law and her husband. During that she had noted her mother-in-law's displeasure when she exercised her option to purchase a Flat at Otteri. The respondent Police ought to have obtained statement from Yaazhisai and other friends. Even without their statements, there are more than enough materials available on record to show that the deceased was subjected to torture and cruelty. In fact, the funeral rites of the deceased was done hurriedly and the RDO had stated about the causing disappearance of the evidence. The deceased was suffering from back pain and there are materials



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to show that it was because of the manner in which she was assaulted by the first accused. She was so weak and she was not able to subject herself to MRI Scan. The statement of the prosecution witnesses speak about the active involvement of the second accused.

9. There are enough materials to subject the petitioner under trial. Hence, I feel it is not an appropriate to quash the proceedings.

10. In view of the above, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Speaking Order : Yes/No
mka/ tk

To:

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1.The Mahila Judge,
Mahila Court,
Chengalpattu.

2.The Inspector of Police,
Otteri Police Station,
Kancheepuram District.

3.The Public Prosecutor,
High Court of Madras,
Madras.



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R.N.MANJULA, J.

mka/ tk

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