



Crl.O.P No.3143 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.3143 of 2021
and
Crl.M.P Nos.1789 & 1791 of 2021

1.M.Chinnasamy
2.Banumathi
3.Minerva

... Petitioners

Vs.

Shoba

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in C.C No.916 of 2020 on the file of the learned Judicial Magistrate No.I, Coimbatore and quash the same.

For Petitioners : Mr.A.Thiagarajan

For Mr.M.Guruprasad

For Respondent : Mr.P.Ayyaswamy



ORDER

WEB COPY This Criminal Original Petition has been filed, seeking to call for the records pertaining to C.C No.916 of 2020 on the file of the learned Judicial Magistrate No.I, Coimbatore and quash the same.

2. The complaint has been given under Section 200 of Cr.P.C on the allegation that the respondents have broken the doors of the complainant's matrimonial house and had stolen her properties.

3. The learned counsel for the petitioners submitted that the respondent/de-facto complainant had given the complaint just to harass the petitioners, who are her father-in-law, mother-in-law and sister-in-law respectively and also the relatives of the petitioners.

4. The records would show that the 1st and 2nd petitioners are the the parents of the husband of the respondent and the 3rd petitioner is the sister-in-law of the respondent.



5. Heard the learned counsel for the petitioners as well as the learned counsel for the respondent.

6. The learned counsel for the petitioners submitted that the complaint has been given just to rope in all the relatives of the 1st petitioner in a false case and hence, the case against the petitioners should be quashed. He also attracted the attention of this Court to the earlier proceedings pending in Crime No.70 of 2013, for the offences under Sections 498(A) and 506(i) IPC and the said proceedings have also been initiated against many of the respondents who are the petitioners herein and the same has been quashed against some other petitioners. It is further submitted that the 2nd respondent/de-facto complainant has also given a domestic violence complaint. The said proceedings have also been quashed against the petitioners except the husband of the respondent.

7. The learned counsel for the respondents submitted that there is an order passed in the domestic violence complaint given by the respondent before the Judicial Magistrate No.I, Coimbatore. The domestic violence complaint has been taken in DVA No.37 of 2014 and an order has been



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passed in C.M.P No.4717 of 2014 on 04.09.2014, by directing the petitioners to hand over the key of the matrimonial home of the respondent to her and they were directed not to interfere with their enjoyment thereafter. He further submitted that the respondent is working as an Army Officer in the state of Uttarpradesh and taking advantage of her absence, the petitioners had broken the doors of her house and had stolen her belongings.

8. The case of the petitioner is that on 11.12.2014, she locked her house and went to Ahamadabed in view of her job. Since she did not present on 18.10.2014 before the Judicial Magistrate No.I, Coimbatore for the case hearing, the petitioners had broken the doors of her house and had stolen away her belongings from there. She alleged that she heard this information from her neighbour. She found that the house was locked with different locks and when she opened the house, she could find that things were scattered and many of her belongings were missing. She has also given a police complaint in this regard and on which, no action is said to have been taken. Subsequently, she had filed a private complaint by alleging about the details of the occurrence. The learned Magistrate had taken the case on file by passing an elaborate order. The petitioners did not challenge the said



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order. However, they had chosen to file a petition to quash the pending proceedings since the order of the Magistrate dated 06.03.2020 is a judicial order. The petitioners ought to have challenged the order before filing this petition to quash the proceedings. Since the police who was inactive on the complaint given by the respondent, she had chosen to give a private complaint. Since the Magistrate has specified that there is a case made out, the same had taken on file and the charge sheet have been issued. The petitioners who were not challenged the order of the Magistrate cannot taken a short route for quashing the proceedings.

9. In view of the same, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed.

27.10.2022

Index : Yes/No
Speaking Order : Yes / No
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To

The Judicial Magistrate No.I,
Coimbatore.



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R.N.MANJULA, J.,

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