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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4303 of 2022

1.Pazeer Ahamed

2.Alparina Begam ... Petitioners/Accused 2 & 3

Vs.

1.State By

Inspector of Police,  
All Women Police Station,  
Tiruvarur.

... 1<sup>st</sup> Respondent/Complainant

2.Mubinathur Riswana ...2<sup>nd</sup> Respondents/Defacto Complainant

PRAYER: This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleased to call for the records pertaining to the case in C.C.No.22 of 2019 on the file of the learned Additional Mahila Court, Tiruvarur and quash the same.

For Petitioners : Mr.R.Thamarai Selvan

For Respondents : Mr.A.Gokulakrishnan  
Additional Public Prosecutor for R1  
No appearance for R2

O R D E R

The petition has been filed seeking to call for the records pertaining to case in C.C.No.22 of 2019 pending on the file of the learned Additional Mahila Court, Tiruvarur.

2.The learned counsel for the petitioner would submit that the petitioners are A2 and A3 facing trial for the offences under Section 498-A IPC. Based on the complaint given by the 2<sup>nd</sup> respondent/defacto complainant, the son of the petitioners who is arrayed as A1 is presently residing at USA, since the summons was not served on him, the trial is split up against him. Meanwhile, the defacto complainant obtained divorce from A1 and



she is also married and living separately. In this Case, P.W.1/defacto complainant, P.W.2/ mother and P.W.3/cousin brother of P.W.1 were examined and they have not supported the case of the prosecution.

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3. Taking into consideration the entire materials and the ingredients of the offence under Sections 498-A were not made out against the petitioners, further continuance of proceedings is nothing but abuse of process of law, thereby seeking to quash the proceedings.

4.The learned Additional Public Prosecutor would submit that A2 and A3 respectively are father-in-law and mother-in-law of the defacto complainant. P.W.1 to P.W.3 were examined on 19.01.2021 and they have not supported the case of the prosecution.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 1st respondent and perused the materials available on records including the depositions of PW1 to PW3.

6.P.W.1/defacto complainant, P.W.2/mother of the defacto complainant P.W.3/Cousin brother of P.W.1 have been examined on 19.01.2021. Perusal of the deposition would show that PW1 to PW3 have not supported the case of the prosecution. The counsel for the petitioner has made out a valid case to quash the proceedings under Section 498-A IPC. Under such circumstances, no useful purpose will be served by keeping the proceedings pending.

7. In view of the above, this Criminal Original Petition is allowed, the proceedings in respect of the petitioners in CC.No.22 of 2019 on the file of the Additional Mahila Court, Tiruvarur stands quashed.

Sd/-  
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

jas/tsh

To

1.The Additional Mahila Court,  
Tiruvarur.



2.The Judicial Magistrate,  
Tiruvvarur.

3.The Inspector of Police,  
All Women Police Station,  
Tiruvvarur.

4. The Public Prosecutor,  
High Court of Madras.

+1cc to Mr.R.ThamaraiSelvan, Advocate SR.No.13296

Cr1.O.P.No.4303 of 2022

RSI (CO)  
GN(17/03/2022)