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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No. 17447 of 2018
Crl.M.P.Nos.9032 and 8736 of 2018

1.Deepa Lakshmi

2.Jaya Vaigundagodi

3.R.Sundarrajan

4.R.Sweetha

5.G.Ramanathan

6.D.Rooth Radha

...Petitioners

Versus

1.State represented by
The Inspector of Police,
All Womens Police Station,
Pollalchi,
Coimbatore District.
(In Crime No.6 of 2018)

2.Divya

..Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to C.C.No.80 of 2018 in Crime No. 6 of 2018, on the file of the learned Judicial Magistrate No.1, Pollachi, Coimbatore District and quash the same.

For Petitioners : Mr.P.Kalimuthu

For Respondents : Mr.R.Kishore Kumar
Govt.Advocate (Crl.Side) for R1



O R D E R

This Petition has been filed to quash the final report against A2 to A7 in C.C.No.80 of 2018, filed against the accused for the offence under Sections 498(A) and 323 IPC, on the file of the learned Judicial Magistrate No.1, Pollachi, Coimbatore District.

2. A2 is the mother in law of the de facto complainant and A7 is her sister in law. A1 used to take tuition. On 11.03.2019, A1 demanded amount from the de facto complainant as he was in deep debt and he also caused sexual harassment. Again on 12.03.2018 A1 harassed the defacto complainant and therefore, she attempted to commit suicide. Thereby, A1 has committed an offence under Sections 498(A) and 323 IPC. A2 to A7 have asked the de facto complainant to do the house hold work, thereby they are also charged for the offence under Section 498(A) IPC.

3. It is submitted by the learned counsel appearing for the petitioner that the dispute arose out of matrimonial dispute and the allegations made only against A1 and not against these petitioners. Therefore, submitted that prosecution against these petitioners is nothing but an abuse of process of law.

4. Heard Mr.P.Kalimuthu, the learned counsel for the petitioners and the learned government advocate appearing for the state and perused the entire materials available on record.

5. A perusal of the final report and statements indicate that these petitioners being the family members of A1 have asked the de facto complainant to do house hold work and except this, no other allegations have been made against them. The entire prosecution has been directed only against A1, the husband of the de facto complainant. Even entire materials taken as a face value, the same does not constitute any offence under Section 498 (A) IPC against these petitioners. On the basis of these materials, this Court can easily interfere with the final report filed against the family members of A1 and continuation of prosecution against the petitioners is nothing but abuse of process of law and hence, the same is liable to be quashed.

6. Accordingly, this Criminal Original Petition is allowed and the final report filed against petitioners/A2 to A7 in C.C.No.80 of 2018, on the file of the learned Judicial Magistrate No.1, Pollachi, Coimbatore District is quashed.



Trial Court shall proceed with the trial as far as A1 is concerned and dispose the main case as expeditiously as possible. Consequently, connected Criminal Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

psa/ggs
To

- 1.The Judicial Magistrate No.1,
Pollachi, Coimbatore District.
- 2.The Inspector of Police,
All Womens Police Station,
Pollalchi,
Coimbatore District.
- 3.The Public Prosecutor,
High Court, Madras.

Cr1. O.P. No. 17447 of 2018

KSM(CO)
SP(18/02/2022)