



CrI.O.P.No.13733 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.OP.No.13733 of 2022

and

CrI.MP.No. 7338 of 2022

- 1.Manivannan @ Iyappan
- 2.Kanchana
- 3.Kavitha
- 4.Sumathi

...Petitioners/A1 to A4

/vs/

- 1.The State Government
Represented by Inspector of Police
All Women Police Station,
Puducherry.

- 2.Saranya

... Respondents

Prayer : The Criminal Original Petition has been filed under Section 482 of Cr.P.C to call for the records relating to C.C.No.509 of 2021 on the file of the learned Chief Judicial Magistrate, Puducherry and quash the charge sheet dated 07.12.2020 vide charge sheet No.02 of 2020 filed against the petitioners and any proceedings arising from the same.



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For Petitioners	...	Ms.P.Shanthini
For Respondents	...	Mr.E. Raj Thilak for R1 Additional Public Prosecutor Mr.R.Thiagarajan for R2

ORDER

This Criminal Original Petition has been filed to call for the records relating to C.C.No.509 of 2021 on the file of the learned Chief Judicial Magistrate, Puducherry and quash the charge sheet dated 07.12.2020 vide charge sheet No.02 of 2020 filed against the petitioners and any proceedings arising from the same.

2. The learned counsel for the petitioners has submitted that admittedly, the first petitioner married the defacto complainant and other petitioners are relatives of the husband/first petitioner. The contention of the learned counsel for the petitioners is that the ingredients of offence under Section 498-A is not satisfied and there is no allegation to support ingredients of Section 498 – A is made out for the offence. To support his argument, he has relied upon the Judgment of the Hon'ble Supreme Court



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in ***Bhaskar Lal Sharma & Another Vs. Monica*** dated **27.07.2009** and

since there is no allegation or ingredients made out for the offence under Section 498-A and Section 4 of Dowry Prohibition Act, 1961 r/w.34 of IPC, criminal proceedings has to be quashed.

3. The learned counsel for complainant/1st respondent has represented that the case is pending for trial because of the stay granted by this court.

4. I have considered the submissions made by the learned counsel for the petitioners, learned Additional Public Prosecutor appearing for the 1st respondent and learned counsel for the 2nd respondent.

5. A perusal of the records reveals the fact that the petitioners are accused in the criminal proceeding in C.C.No.509 of 2021. The petitioners have been prosecuted by the respondent police for the offence punishable under Section 498-A and Section 4 of Dowry Prohibition Act, 1961 r/w.34 of IPC. It further reveals the fact that the marriage took place on



20.01.2019. Before marriage itself, A1 demanded Rs.2 lakhs for marriage expenses and Rs.1 lakh was transferred from the defacto complainant's brother Sathya's Bank account to A1 bank account vide A/c.No.31685673114 at SBI, Vanur Branch, Tamilnadu on 12.01.2019 and Rs.50,000/- cash was handed over to A1 at the time of marriage reception on 21.01.2019. During marriage, 28 sovereign of gold ornaments, Rs.5 lakhs worth household articles were given to A1 as Seeruvaisai. Since 25.01.2019, the accused A1 to A4 harassed the defacto complainant demanding more jewels, luxury car and other things and the defacto complainant not provided the same and had not met out the demand of the petitioners, all the petitioners jointly harassed her and she suffered mentally. Finally she was sent out from the matrimonial home on 25.02.2019. It is to be noted that the marriage took place on 21.01.2019 and she was driven out of matrimonial home on 25.02.2019 within a short period. Therefore, a *prima facie* reading of the case shows that an offence is made out for trial. The reliance placed by the learned counsel for the petitioners is not helpful to the petitioners. Since it is a case factually makes out prima facie case on the allegation and charge stated against the



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petitioners demanding dowry and harassment by the petitioners has to be adjudicated after letting evidence before the trial court, before commencement of trial, the denial of the fact not demanding dowry and not receiving any dowry, is not acceptable while exercising power under Section 482 of Cr.P.C for quashing criminal proceeding. Therefore, it does not meet the parameters laid down by the Supreme Court in ***State of Haryana vs. Ch.BhajanLal (AIR 1992 SC 604)***, ***M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others (2021 SCC online 315)*** & ***PRATIBHA RANI Vs.SURAJ KUMAR & ANR (1985 CrI.L.J.817)***. Therefore, it is inappropriate to quash the C.C . Hence, I find no merit in this petition and the same is liable to be dismissed.

6. In the result, this Criminal Original Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
gv

14.10.2022



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V.SIVAGNANAM,J.

gv

To

1. The State Government
Represented by Inspector of Police
All Women Police Station,
Puducherry.

2.The Public Prosecutor,
High Court, Madras.

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and
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