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CrI.O.P.No.15310 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.15310 of 2019

and

CrI.M.P.No.7473 of 2019

1.Mariammal
2.Devaraj
3.Vijay Anand
4.Deivanai

... Petitioners

Vs.

State rep.by its
1.The Inspector of Police,
All Women Police Station,
Dharmapuri.

2.Sona

... Respondents

Prayer: Criminal Original Petition is filed under section 482 of CR.P.C., to call for the records relating in C.C.No.197/2018 on the file of Judicial Magistrate-II, Dharmapuri and quash the same.



Cr.L.O.P.No.15310 of 2019

For Petitioners : Mr.C.Mohammed Aseef

For Respondents : Mr.N.S.Suganthan, for R1
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to quash the criminal complaint pending on the file of Judicial Magistrate-II, Dharmapuri in C.C.No.197 of 2018.

2. The case against these petitioners came to be registered based on the complaint given by one Sona / defacto complainant. The petitioners / accused 2 to 5 are mother-in-law, father-in-law, brother-in-law and wife of the brother-in-law of the defacto complainant. The marriage between the first accused / Vimal Anand and the defacto complainant was solemnized on 21.04.2016. Within few months of the marriage, difference of opinion arose, due to demand of dowry which has led to separation. The defacto complainant has given a complaint alleging that her husband and in-laws, within a month after the marriage, pestering to bring more dowry from her



family. Inspite of giving Rs.95,000/- cash and rising loan of Rs.2,85,000/- by pledging the jewels, they were not satisfied and causing cruelty by using abusive words.

2(i). The specific averment against the petitioners / in-laws of the defacto complainant is that they incited A1 to chase her out from the family and induced him that if the defacto complainant is chased out, he can marry a girl, who can give car and house. After completion of investigation, final report has been filed against the petitioners for offences punishable under Sections 498(A) and 506(i) of IPC.

3. Learned counsel appearing for the petitioners would submit that they are in-laws of the defacto complainant and the prime allegation is only against the husband, who is the first accused.

4. However, the learned Government Advocate (Crl.Side) would submit that the statement of witnesses clearly indicates that all the accused persons along with the defacto complainant was living with his family and within few months of marriage, the defacto complainant has been sent out of



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the family, causing harassment. Though, the learned counsel for the petitioner would state that within 20 days of the registration of the complaint, final report has been filed without resorting the possibility of conciliation.

5. From the statement of witnesses, this Court finds that the complaint was given on 15.09.2018, CSR.No.224 of 2018 was registered and taken up for enquiry. Only after preliminary enquiry, FIR has been registered on 21.09.2018 and final report filed. The statement of witnesses, *prima facie* make out a case against the petitioners and therefore, Court finds no ground to quash. Hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

26.10.2022

AT
Index : Yes/No
Speaking / Non-speaking



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Dr.G.JAYACHANDRAN,J.

AT

To

1.The Judicial Magistrate-II, Dharmapuri.

2.The Inspector of Police,
All Women Police Station,
Dharmapuri.

3.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.15310 of 2019 and
CrI.M.P.No.7473 of 2019

26.10.2022