



Crl.O.P.No.16435 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2022

CORAM

THE HON'BLE **Dr.JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.16435 of 2019

and

Crl.M.P.No.8248 of 2019

1.Dr.D.Sridharan

2.Parimala

... Petitioners

Vs.

1.The State,
Rep.by the Inspector of Police,
AWPS, Thiruvarur.
Thiruvarur.

2.Madhumitha

... Respondents

Prayer:- Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the case pending investigation in Crime No.6 of 2019 on the file of the respondent police and quash the same.

For Petitioners : Mr.S.R.Rajagopal
M/s.Praveenath

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

For R2 : Mrs.Vasudha Tyagarajan



Crl.O.P.No.16435 of 2019

WEB COPY

ORDER

This Criminal Original Petition is filed to quash the criminal complaint lodged by the 2nd respondent, the estrange daughter-in-law of the petitioners.

2. The sum and substance of the complaint is that the 2nd respondent married the son of the petitioners on 16.03.2017. Prior to their marriage, they both were employed in U.S.A., and had acquaintance with each other. Soon after the marriage, they both went back to U.S.A. But, her husband left her in U.S.A., and returned to India to got employment in Bangalore. The 2nd respondent has traced his whereabouts and made effort to reunite with him through her parents, but it did not yield any result. Then on 04.02.2019, the 2nd respondent came down to India, went to the house of the petitioners and expressed her desire to stay with them, which was sharply repelled by the 2nd petitioner mother-in-law. The petitioners restricted her from entering the kitchen. However, she stayed in the house forcing herself in the house and refused to leave in spite of petitioners request, claiming that it is her matrimonial house, so she is entitled to stay. But the petitioners had violently throw her out.



Crl.O.P.No.16435 of 2019

WEB COPY

The complaint has been filed making allegations against these petitioners and same has been registered F.I.R., in Crime No.6 of 2019 dated 08.05.2019 for the offence under Section 294(b), 323, 506(ii) and 498A I.P.C., r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

3. The petitioners seek quash of this complaint on the ground that their son and the 2nd respondent/the *de facto* complainant were gainfully employed in U.S.A., prior to the marriage and came down to India on 10.03.2017 solemnized their marriage as per the Hindu rites and custom in the presence of the relatives and soon thereafter gone to U.S.A. In the month of March 2018, their son returned to India and settled in India. During the end of 2018, the *de facto* complainant came to their house and barged forcibly inside the house and started to stay with them. Her return to India during the month of December 2018 was to renew her visa and not to rejoin with her husband who is living in Bangalore. To disturb their peace, the *de facto* complainant on 04.02.2019 entered into their house and started creating nuisance to them. In this connection, the petitioners made a complaint before the All



Crl.O.P.No.16435 of 2019

WEB COPY

Women Police Station, Tiruvarur, dated 01.03.2019 and same has been taken in C.S.R.No.57 of 2019. Soon after lodging the complaint, they went to Chennai for treatment and return after 25 days on 29.04.2019 and found that the *de facto* complainant still in their house. The petitioners state that already their son has initiated divorce proceedings in H.M.O.P.No.136 of 2019 on the file of the Sub Court, Tambaram and same is pending. Whereas the 2nd respondent, after filing frivolous complaint, has now after getting renewal of visa settled in Canada. The 1st respondent police, without proper enquiring in the matrimonial dispute due to political affiliations and interference, has registered the case to harass the petitioners herein, which is quite contrary and violative of the guidelines laid by the Hon'ble Supreme Court in *Lalithakumari* case.

4. This Court, on reading the complaint finds that an highly improbable narration of the facts has been said in the complaint to prosecute the petitioners. A highly educated lady who has chosen a partner while living abroad cannot claim her in-laws house as matrimonial home in India and trespass into the house for the purpose of



Crl.O.P.No.16435 of 2019

the complaint. When she is fully aware of the fact that her husband living in Bangalore and not in Tiruvarur.

5. Furthermore, the act of violations alleged against the petitioners, who are aged about 68 years and 60 years respectively also does not appears to be probable. Her very entry into the house of the petitioners under the guise of taking shelter in the matrimonial home itself shrouded with a dubious scheme devised by the 2nd respondent to initiate the complaint. The inherent improbability in the complaint makes it fit to quash.

6. Hence, this Criminal Original Petition is allowed. Consequently, the connected Criminal Miscellaneous Petition is closed.

14.11.2022

rpl
Index: Yes/No
Speaking Order/Non Speaking Order



WEB COPY



Crl.O.P.No.16435 of 2019

Dr.G.JAYACHANDRAN, J.

rpl

To

1.The Inspector of Police,
AWPS, Thiruvarur.
Thiruvarur.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

Crl.O.P.No.16435 of 2019

14.11.2022