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Crl.O.P.No.18052 of 2019  
and Crl.M.P.No.9108 of 2019



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 05.12.2022**

**CORAM:**

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**Crl.O.P.No.18052 of 2019**  
**and Crl.M.P.No.9108 of 2019**

1.Ponroja  
2.Arumugam

...

Petitioners

***versus***

1.State rep by,  
The Inspector of Police,  
W-21,All Women Police Station,  
Guindy, Chennai.  
(Crime No.5 of 2018)

2.Kalaivani

...

Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to call for the records in C.C.No.2095 of 2019 on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai and quash the same as against the petitioners.

For Petitioners : Mr.R.Vivekananthan

For Respondent No.1 : Mr.A.Damodaran  
Additional Public Prosecutor

For Respondent No.2 : Mr.G.Saravanan



**ORDER**

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.2095 of 2019 on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the first respondent.

3. The petitioners are the accused nos.2 and 3; on the complaint given by the second respondent, who is the wife of the first accused, a case has been registered in Crime No.5 of 2018 for the offences under Sections 498(A), 406 and 34 of IPC; after investigation was completed, charge sheet has been filed against the accused nos.1 to 3.

4. According to the case of prosecution, the *de facto* complainant / second respondent and the first accused were living in a separate house at Ekkatuthangal, Chennai. At the time of marriage, the parents of the *de facto* complainant had given cash of Rs.3,00,000/- along with 55 sovereigns of jewels to the *de facto* complainant. However, the



accused were demanding more dowry from the *de facto* complainant and ill-treated her. Hence, the *de facto* complainant has given the complaint.

5. The learned counsel for the petitioners submitted that the materials available on record do not make out a case against these petitioners, who are the parents of the first accused. The statement of the mother of the *de facto* complainant itself would make it clear that after the marriage, the *de facto* complainant and the first accused were living in a separate house at Ekkatuthangal and the parents of the first accused were living at Gingee. Despite the petitioners have got no involvement in the alleged occurrence, they have been falsely implicated just because they are the parents of the first accused. The complaint has been given only because of the matrimonial dispute pending between the second respondent and the first accused and he has also filed a petition in H.M.O.P.No.3121 of 2017 to declare the marriage as null and void / dissolution of marriage.

6. It is seen that the petitioners are the parents of the first accused, who is the husband of the second respondent / *de facto*



complainant. The only allegation that has been made by the second respondent against the petitioners is that, they would serve food for the second respondent only on the plate of the first accused and they would not give her food unless the first accused had eaten already and the petitioners, who did not talk anything about the property until the marriage was over, later started to demand the property and to transfer the property in the name of the second respondent to the name of the first accused.

7. But the statement of the *de facto* complainant's mother would show that the second respondent and the first accused were living in a separate house at Ekkatuthangal. Though it could have been possible for the petitioners to visit the house of their son, they could not have been present for long time as they were living at a far away place. The major allegations made by the second respondent pertains to her husband, who is the first accused. The *de facto* complainant had stated that she had taken away 50 sovereigns of jewels given to her at the time of marriage while she went to her parents place. The mother of the second respondent has also stated the said fact in her statement.



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8. Since nothing has been entrusted to the parents of the first accused, no offence under Section 406 IPC can be made out against them. Since the parents of the first accused do not live as a joint family with the first accused and the second respondent, their involvement in the alleged ill-treatment could have been an exaggeration. There is matrimonial dispute pending between the first accused and the *de facto* complainant and the first accused has filed a petition in H.M.O.P.No.3121 of 2017 for declaring the marriage as null and void / dissolution of marriage.

9. It is also alleged that the first accused has got some intimacy with another woman, who was instrumental in bringing those issues to the second respondent's parents. So most of the allegations made by the second respondent is predominantly against the first accused. Under such circumstances, if the petitioners, who are elders if subjected to undergo the ordeal of trial that would serve no purpose.

10. Considering the matrimonial dispute pending between the first accused and the *de facto* complainant and also the fact that the first



accused and the *de facto* complainant have been living in a separate house, I feel it is appropriate to quash the proceedings as against these petitioners alone.

**11.** In the result, this Criminal Original Petition is allowed and the proceedings in C.C.No.2095 of 2019 on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai, is hereby set aside. Consequently, connected Miscellaneous Petition is closed.

**05.12.2022**

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

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To

- 1.The IX Metropolitan Magistrate,  
Saidapet, Chennai.
- 2.State rep by,  
The Inspector of Police,  
W-21,All Women Police Station,  
Guindy, Chennai.
- 3.The Public Prosecutor,  
Madras High Court,  
Chennai.



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**R.N.MANJULA, J.**

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