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CrI.O.P.No.1554 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

CrI.O.P.No.1554 of 2021 and
CrI.M.P.No.899 of 2021

1.Murali

2.Shanthalakshmi

(in so far as the petitioners 1 and 2 are concerned,
the case has been dismissed *vide* order dated 05.02.2021
in CrI.O.P.No.1554 of 2021 and CrI.M.P.No.899 of 2021)

3.Nagesh

4.Sumathi

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Balance Path Police Intake,
Egmore,
Chennai 600 008.

2.Mrs.Geetha

3.Mr.Thulasi Raman

...

Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to
call for the entire records and quash the charge sheet in P.R.C.No.87 of 2019
on the file of Metropolitan Magistrate IX, Saidapet, Chennai-15, against the
petitioners.



CrI.O.P.No.1554 of 2021

For Petitioners : Mr.L.Infant Dinesh
For Respondents : Mr.A.Damodaran, APP for R1
Mr.C.Ravichandran for R2

ORDER

This Criminal Original Petition has been preferred to call for the entire records and quash the charge sheet in P.R.C.No.87 of 2019 on the file of Metropolitan Magistrate IX, Saidapet, Chennai-15, against the petitioners.

2. Heard Mr.L.Infant Dinesh, learned counsel for the petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for the first respondent.

3. The petitioners are the accused 2 to 5. On 05.02.2021, this Petition was dismissed as against the first and second petitioners / A2 and A3. This Criminal Original Petition is pending for consideration only against the third and fourth petitioners / A4 and A5.

4. The case of the prosecution is that the daughter of the defacto complainant viz., Jeevitha was married to the first accused viz., Rose on



11.12.2016. The second accused is the father of the first accused. The third accused is the mother of the first accused. The fifth accused is the sister of the third accused. The fourth accused is the husband of the fifth accused. The wife of the first accused Jeevitha was seen dead in doubtful circumstances. The third respondent received an intimation that a woman had jumped out of the train and fallen into Adyar River. When the third respondent along with Railway Protection Force Police party went and inspected the spot, he found a woman was dead and later she was identified as Jeevitha who is the wife of the first accused. Initially, a case for doubtful death was initiated under Section 174 (3) of I.P.C. and after preliminary enquiry, the charges have been altered to Sections 304(B) and 498(A) of I.P.C.

5. The learned counsel for the petitioners submitted that the accused 4 and 5 have got nothing to do with the occurrence and they lived in a separate house; the statement of the second respondent would only state about the marital cruelty meted out to her daughter subsequent to her marriage while she was living along with her husband in the husband's house; the Revenue Divisional Officer (RDO) enquiry does not disclose about any demand of dowry and that demand of dowry has caused the death of the deceased.



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6. The statement of the second respondent would show that there are enough materials to make out a case for the offence under Section 498(A) of IPC. However, it is seen from her statement and the statement of the other witnesses that the allegations are primarily against the first accused and his parents. The fifth accused is the maternal aunt of the first accused and the fourth accused is her husband. Though it is alleged in the statement given by the witnesses that the third and fourth petitioners / accused 4 and 5 also involved in the occurrence, the statement of the second respondent does not state anything significant or specific about the overtact on the part of the third and fourth petitioners / A4 and A5. Even the statement of the brother of the deceased would also show that the allegations are predominantly against the accused 1 to 3.

7. It is submitted by the learned counsel for the petitioners that the petitioners 3 and 4 did not live as a joint family along with the family of the first accused. In the absence of any concrete materials against the petitioners 3 and 4, no useful purpose would be served, if they are put to trial. Hence, I feel that the case proceedings against the petitioners 3 and 4 / accused 4 and 5



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should be quashed.

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8. In the result, this Criminal Original Petition is allowed and the proceedings in P.R.C.No.87 of 2019 on the file of Metropolitan Magistrate IX, Saidapet, Chennai-15, filed against the petitioners 3 and 4 is quashed. Consequently, connected miscellaneous petition is closed.

Index: Yes/No
Speaking / Non Speaking Order
gsk

27.09.2022

To

1.The Deputy Superintendent of Police,
Balance Path Police Intake,
Egmore,
Chennai 600 008.

2.The Public Prosecutor,
High Court of Madras.



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R.N.MANJULA, J.

gsk

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