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Crl.O.P.No.24902 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P.No.24902 of 2022 &
Crl.M.P.No.15588 of 2022

Rameez Swagath

... Petitioner

Vs.

1. The Inspector of Police,
W-26, All Women Police Station,
Ashok Nagar,
Chennai 600 083.

2. Renaa Sultan,

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.

praying to call for the records pertaining to C.C.No.1450 of 2022 on the
learned XXIII Metropolitan Magistrate Court, Saidapet, Chennai and quash
the same.

For Petitioner : Mr. K. Thenrajan

For Respondent : Mr. S. Santhosh, GA (crl.side) for R1



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ORDER

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This Criminal Original Petition has been filed challenging the criminal proceedings initiated against the petitioner in C.C.No.1450 of 2022 on the learned XXIII Metropolitan Magistrate Court, Saidapet, Chennai and to quash the same.

2. Learned counsel for the petitioner submitted that the petitioner/A2 is the mother in law of the defacto complainant. The petitioner's son married the defacto complainant on 29.12.2019 and thereafter there arose some dispute between the husband and wife. Under these circumstances, she lodged a complaint against the petitioner's son and petitioner raising allegations that the petitioner humiliated and assaulter her. He would further submit that the complaint has been lodged by the defacto complainant falsely implicating the petitioner, who is no way connected with the offence and the allegations levelled therein against the petitioner are false one, hence the criminal proceedings initiated against the petitioner/A2 is necessarily to be quashed.



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3. Learned Govt. Advocate (crl.side) appearing for the respondent police submitted that the case in C.C.No.1450 of 2022 is posted before the trial court for framing of charges. Thus he prayed for dismissal of this petition.

4. Heard both sides and perused the materials available on record.

5. Perusal of records would reveal that the petitioner is the second accused in C.C.No.1450 of 2022 on the file of XXIII Metropolitan Magistrate Court, Saidapet. The respondent police had registered a case in Crime No.3 of 2022 for the offences punishable under sections 498A, 406, 506 and 323 IPC against the petitioner and her son, who are mother in law and husband of the defacto complainant respectively.

6. According to the defacto complainant, the petitioner's son and defacto complainant got married on 29.12.2019 and after marriage, she was humiliated and ill-treated by the petitioner and her son for providing money to meet the demand of the dowry and on 4.2.2021, demanding



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dowry, the petitioner along with her son, assaulted the defacto complainant, due to which, she sustained injuries and further in the month of January 2021, after assaulting the defacto complainant, the petitioner and her son have sent her out from the matrimonial home. Hence she filed a complaint.

7. A perusal of the accusations in the complaint as well as the 161 statement of the defacto complainant, it is seen that the defacto complainant attributed allegations of assault and humiliation against the petitioner. But now the petitioner is denying the same. Therefore this court is of the opinion that she has to be examined as to whether the allegations attributed against her are true or not by letting in evidence before the trial court. So before the commencement of trial, it is not appropriate to quash the criminal proceedings since there is a factual foundation for making out of cognizable offence for conducting trial. In view of the above, this Court finds no merits in the case and accordingly this Criminal Original petition is dismissed. Consequently, the connected miscellaneous petition is closed.



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8. The learned counsel for the petitioner, prayed before this Court to dispense with the personal appearance of the petitioner before the trial Court. Acceding to his request, this court permits to dispense with the personal appearance of the petitioner before the trial court in C.C.No.1450 of 2022 on condition that she should appear before the trial Court for further proceedings whenever required by the trial Court.

17.10.2022

Internet:Yes
Index:Yes/No
msr

To:

1. The Inspector of Police,
W-26, All Women Police Station,
Ashok Nagar, Chennai 600 083.
2. The Public Prosecutor,
High Court of Madras.



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V.SIVAGNANAM, J.

msr

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