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Crl.OP.No.24666 of 2022

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

**DATED: 12.10.2022**

**CORAM:**

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

**Crl.O.P. No.24666 of 2022**  
**and Crl.MP.Nos.15516 & 15517 of 2022**

1. R. Jeyanthi  
2. R. Harish  
Petitioners

...

**Vs.**

1. State rep.by  
Inspector of Police  
All Women Police Station,  
Hosur,  
Krishnagiri District,  
Crime No.17 of 2017

2. Yasmeen

... Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.9 of 2020 on the file of the learned Judicial Magistrate No.II, Hosur and quash the same.

For Petitioners : M/s.R.Radha Pandian

For Respondents : Mr.S.Santhosh  
Government Advocate (Crl.side) for R1



**ORDER**

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This criminal original petition has been filed to call for the records in C.C.No.9 of 2020 on the file of the learned Judicial Magistrate No.II, Hosur and quash the same.

2. The learned counsel for the petitioner submitted that the petitioners have been arrayed as accused Nos.2 & 3 in C.C.No.9 of 2020 on the file of the learned Judicial Magistrate No.II, Hosur. The petitioners are in-laws of the second respondent/defacto complainant. The defacto complainant gave a complaint against the petitioners and her husband/1st accused and based on that a case has been registered in Crime No.17 of 2017 on 16.01.2017 for the offence under Sections 498 (A), 120(b), 34, 294(b), 323, 506(ii), 406 & 420 of IPC r/w.Section 4 of Dowry Prohibition Act and laid a charge sheet by altering the sections from 498(A), 120(b), 34, 294(b), 323, 506(ii), 406 & 420 of IPC r/w.section 4 of Dowry Prohibition Act to 294(b), 323, 354, 506(ii), 498(A) r/w.34 before the learned Judicial Magistrate No.II, Hosur and the trial Court took cognizance in C.C.No.9 of 2020. He further submitted that since there is no independent witness speaking about the alleged incident against these petitioners, the criminal proceedings against these petitioners is not maintainable. Therefore seeking to quash the



proceedings against these petitioners.

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3. The learned Government Advocate (Crl.side) submitted that in this case after taking cognizance of the offence the trial Court issued summon for appearance of the witnesses. Since there was no appearance, the case is pending.

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

5. The contention of the learned counsel for the petitioners is that there is no independent witness speaking about the occurrence as stated by the defacto complainant and the allegations against these petitioners are false, therefore he seeks to quash the proceedings. The factum is that the evidence has to be testified before the trial Court, whether the evidence of the victim is believed or not and independent evidence is required when the victim evidence is dissatisfied. Therefore, because of want of independent evidence the criminal proceedings cannot be quashed and it does not meet the parameters laid down by the Supreme Court in *State of Haryana vs. Ch.BhajanLal (AIR 1992 SC 604)*, *M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others (2021 SCC online 315)* &



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***PRATIBHA RANI Vs.SURAJ KUMAR & ANR (1985 CrI.L.J.817).***

Therefore, it is inappropriate to quash the C.C.No.9 of 2020 before the learned Judicial Magistrate No.II, Hosur. Hence, I find no merit in this petition and the same is liable to be dismissed.

6. At this stage, the learned counsel for the petitioner sought indulgence of the Court, to dispense with the personal appearance of the petitioners before the trial Court.

7. In view of the submissions of the learned counsel for the petitioners, the personal appearance of the petitioner is dispensed with on condition that they should appear before the trial Court as and when required by the trial Court. Consequently, connected miscellaneous petitions are also closed.

**12.10.2022**

Index : Yes/No  
Speaking/Non speaking order  
dpq

To

1. The Inspector of Police



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All Women Police Station,  
Hosur,  
Krishnagiri District,

2. The learned Judicial Magistrate No.II,  
Hosur
3. The Public Prosecutor,  
High Court of Madras.



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**V. SIVAGNANAM, J.**

dpq

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