



Crl.O.P.No.31264 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2022

CORAM

THE HON'BLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.31264 of 2019

and

Crl.M.P.Nos.17047 & 17048 of 2019

1.C.Pradish
2.Chandrakanthan
3.Sakunthala
4.Janani

... Petitioners

-Vs.-

N.Nandhini

.. Respondent

Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for the records in C.C.No.2151 of 2019 on the file of the learned Judicial Magistrate, Additional Mahila Court, Coimbatore and quash the proceedings.

For Petitioners :Mr.V.V.Sairam

For Respondents :No appearance



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ORDER

This Criminal Original Petition has been filed to quash the private complaint, made by the respondent herein, alleging dowry harassment and criminal intimidation against the husband and in-laws.

2. The learned counsel appearing for the petitioner submitted that the marriage between the respondent and the first petitioner was solemnized on 25.02.2018 at Gudalur, Theni District. Since the marital relationship did not last long and disputes arose, the first petitioner thought it fit to dissolve the marriage and filed H.M.O.P.No.151 of 2018 during the month of August before the Sub Court, Uthamapalayam. Almost, during the same point of time, the complainant had filed a petition for restitution of conjugal rights before the Additional Family Court, Coimbatore. In view of the order passed in the transfer petition by the Hon'ble High Court, both the petitions have been transferred to Sub Court, Palani.



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3. In the said circumstances, soon after the order passed by the High Court in the transfer petition, a complaint has been filed with some new facts by the complainant on 08.07.2019 under the Domestic Violence Act against the husband and in-laws. This Domestic Violence complaint was filed before the learned Judicial Magistrate No.II, Coimbatore and on perusing the allegations made in the complaint, the learned Judicial Magistrate No.II thought it fit to cause notice to the first petitioner/husband alone and dropped action against the other persons, who were accused in the complaint.

4. While fact being so, the complainant herein had filed a private complaint with the same set of facts alleging that in spite of giving receipt dated 05.08.2018, the complaint given to the police has not been taken note of. The said private complaint has been rejected by the learned Judicial Magistrate.

5. The learned counsel for the petitioner specifically states that the



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provisions of law has been used to harass the husband and the in-laws.

While husband has decided to dissolve the marriage and filed the divorce petition, the wife has initiated the restitution of conjugal rights petition and both are pending, frivolous allegations were made in different forms. After investigation, the police had closed the complaint as civil dispute and no crime has been made out. However, suppressing the facts, a fresh private complaint has been filed before the Additional Mahila Court, Coimbatore and the same is taken on file without considering the facts in entirety.

6. The learned counsel for the petitioners would further submits that since July 2018, the spouse are not living together and at loggerhead by filing petitions and presently the divorce petition filed by the husband is pending in Sub Court, Palani. The wife/complainant has also now thought fit to dissolve the marriage and had preferred a divorce petition before the Additional Family Court, Coimbatore. While fact being so, the private complaint which is taken cognizance by the Additional Mahila Court, Coimbatore in C.C.No.2151 of 2019 alleging cruelty, Dowry Harassment and inhabitation, based on figment of imagination, is liable to be quashed



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being an abuse of process of law.

7. Considering the *prima facie* case made out for interim stay, this Court granted interim stay of further proceedings and caused notice to the respondent/complainant. Despite receiving the notice, the complainant is neither present nor engaged a counsel to represent her.

8. From the reading of the averments made in the petition seeking divorce and restitution of conjugal rights by the husband and wife respectively and the averments made in the Domestic Violence complaint filed by wife and also the averments made in the private complaint, which is impugned in this quash petition, it could be easily seen the gradual improvement in allegations made by the complainant just to harass the petitioners by keeping them in tender hook and to bring them to her terms. This Court cannot be privy to such dubious design when the malice is palpably seen.

9. In view of the above, this Criminal Original Petition is allowed.



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Accordingly, the private complaint in C.C.No.2151 of 2019 on the file of Additional Mahila Court is quashed. Consequently, the connected miscellaneous petitions are also closed.

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Speaking/Non-speaking order

Index: Yes/No

Internet : Yes/No

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To

1.The Judicial Magistrate,
Additional Mahila Court,
Coimbatore

2.The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN.J.,

nsa

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