

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRL.O.P.NO.28744 OF 2018

AND

CRL.M.P.NO.16772 OF 2018

1.Kothandappa
2.Venkatesh
3.Rajappa

... Petitioners

Vs.

1. State
Rep.by the Inspector of Police,
All Women Police Station, Hosur,
Krishnagiri District.
(Crime No.10 of 2011)

2. Mrs.Chandramma

...Respondents

PRAYER :

This Criminal Original Petition has been filed under Section 482 of Cr.P.C, to call for the records relating to the proceedings in C.C.No.231 of 2015 on the file of Judicial Magistrate No.II, Hosur, and quash the same in so far as the petitioners' are concerned.

For Petitioner : Mr.R.Bharath kumar

For R1 : Mr.C.E.Pratap,
Government Advocate (Crl.Side)

For R2 : No appearance

O R D E R

This Criminal Original Petition has been filed to quash the C.C.No.231 of 2015 on the file of learned Judicial Magistrate No.II, Hosur.

2.The petitioners are arrayed as A8, A10 and A11. Charge sheet has been filed in Crime No.10 of 2011 before the "All Women Police Station, Hosur".

3.The learned counsel for the petitioner would draw my attention to the alleged statement given by the defacto-complainant viz., Chandramma that her father-in-law and mother-in-law along with other accused came to her house and criminally intimidated her to vacate the house (rented house) or else, they threatened to kill her by riding her over with a water lorry and stage it as an accident. Except the above false allegation, there is no allegation against these petitioners.

4.The learned Government Advocate (CrI.Side) appearing for the first respondent would submit that there is a matrimonial dispute between the defacto-complainant and A1, A2 & A3. According to the complainant, her husband is missing, he is intended go for second marriage. Hence, she has given a complaint to the first respondent police and after investigation, FIR has been registered in Crime NO.10 of 2011. Thereafter, the matter has been taken on file as C.C.No.231 of 2015, on the file of the learned Judicial Magistrate No.II, Hosur. Further, he would submit that charge sheet has been filed in Crime No.10 of 2011 before the "All Women Police Station, Hosur".

5.It is a specific allegation against the father in law and mother in law that they are keeping in a separate place for solemnization of second marriage for their son.

6.Be that as it may, as against these petitioners except the above said allegation, which is flawed in nature, there is no specific allegation warranting the offence under Section 506 (ii) of IPC. The demand of dowry and the matrimonial cruelty against A1, A2 and A3.

7. On perusal of the documents filed along with the final report, it does not prima facie constitute any of the ingredients of the offences so as to implicate the petitioner to proceed with the matter. Admittedly, these petitioners are neither relatives or in-laws nor the family members of the defacto-complainant. There is no specific role in this crime as against them and thus, while perusing both the F.I.R as well as the 161 statement annexed with the final report, I do not find any prima facie material that are absolute for the offence under Section 506(i) I.P.C and hence continuation of the C.C.No.231 of 2015 as against these petitioners who are neither relatives nor either of the parties and the 4 issues involved in this case are only related to matrimonial dispute under Section 498(A)I.P.C and Section 4 of D.V.Act and hence, I do not find any basic

material to proceed with these petitioners.

8. In view of the above factual position, this Criminal Original Petition is allowed and C.C.No.231 of 2015 is quashed. Consequently, connected CrI.M.P is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nvi

To

1. The Judicial Magistrate No.II, Hosur
2. The Inspector of Police,
All Women Police Station, Hosur,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Bharath kumar, Advocate, S.R.No.42499

CrI.O.P.No.28744 of 2018 and
CrI.M.P.No.16772 of 2018

RLD(CO)
PM/15/07/2022