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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.29945 of 2018 and  
Crl.M.P.No.17600 of 2018

1.Murugesan  
2.Indirani @ Yuvarani  
3.Senthil  
4.Sridevi  
5.Saritha  
6.Suresh

... Petitioners/1 to 6 Accused

Versus

1.The State of Tamil Nadu represented by  
The Inspector of Police,  
All Women Police Station,  
Gudiyatham,  
Vellore-District. ...Respondent No.1/Complainant

2.A.Lakshmi ... Respondent No.2/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.93 of 2018 pending on the file of the learned Judicial Magistrate, Gudiyatham and quash the same.

For Petitioners: Mr.M.R.Thangavel

For R1 : Mr.A.Damodaran,  
Additional Public Prosecutor

For R3 : Mr.A.Lakshmi (Party-in-Person)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.93 of 2018, on the file of the Judicial Magistrate, Gudiyatham (trial Court).



2.The gist of the case is that the 2<sup>nd</sup> respondent was given in marriage to one Anand on 23.01.2013 in Subramaniya Swami Thirukovil, Kaliyammanpatty, Gudiyatham. The marriage was an arranged marriage. During the marriage, sreedhana articles of 101 items, 20 sovereigns of gold jewels, cash of rupees Rs.50,000 were given. After the marriage, for 6 months, they were living separately. Out of their wedlock, a girl baby A.Rasheeda was born. Due to ill-health of Anand, passed away on 15.08.2014. Thereafter, the petitioners, who are the parents, brothers and sisters of Anand chased away the 2<sup>nd</sup> respondent from the matrimonial home. Having no other option, she was residing in her mother's home. Thereafter, the 2<sup>nd</sup> respondent respondent along with her relatives had gone to the house of the petitioners to get back her sreedhana articles, which were presented during the marriage and amount of Rs.4 lakhs, which was financed by Anand in a business. The petitioners not only refused to give back the above articles, they abused and chased away the 2<sup>nd</sup> respondent. Hence, a complaint came to be lodged against the petitioners, on receipt of the complaint, the 1<sup>st</sup> respondent Police registered FIR in Crime No.5 of 2016, for offence under Sections 498(A) and 406 IPC. On completion of investigation, charge sheet was filed before the trial Court listing LW1 to LW15. The trial Court finding prima facie materials against the petitioners, took the case on file in C.C.No.93 of 2018, against which the present Criminal Original Petition.

3.The learned counsel for the petitioners submitted that the petitioners being the in-laws of the 2<sup>nd</sup> respondent, they were falsely implicated in this case. Initially, the horoscope of the 2<sup>nd</sup> respondent and Anand was verified, but it was mismatched. Hence, the petitioners were not willing for the marriage of Anand with the 2<sup>nd</sup> respondent. But on the compulsion of the 2<sup>nd</sup> respondent, the marriage was held. The learned counsel further submitted that Anand was alcoholic, due to which, his internal organs got affected and he died on 15.08.2014. After the death of Anand, the 2<sup>nd</sup> respondent left to her parents home and thereafter, failed to return back to the matrimonial home. On the other hand, on 04.09.2014, she along with her relatives came to the village of the petitioners and started abusing and threatening them making huge demands and asked the petitioners to share the property. Thereafter, she lodged a complaint to the Inspector of Police, Gudiyatham Town Police Station, Gudiyatham. On receipt of the complaint, FIR in Crime No.559 of 2014, for offence under Sections 294(b), 324, 506(i) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 2002. Thereafter, nothing happened. Again, two years later,



the 2<sup>nd</sup> respondent lodged a false complaint as though the petitioners retained her sreedhana articles and jewels presented during her marriage with Anand. Hence, the above case in Crime No.5 of 2016 was registered for offence under Sections 498(A) and 406 of IPC.

4.The learned counsel further submitted that after the death of the 2<sup>nd</sup> respondent's husband Anand, she left the matrimonial home taking away her jewels and all sreedhana articles. To extract money from the petitioners, who are the parents, brother and sisters of her husband Anand, the above false complaint was lodged. On perusal of the statement of witnesses, no case would be made out against the petitioners. The only allegation is that during conversation, the 2<sup>nd</sup> respondent was addressed in lower status (தரக்குறைவாக பேசினார்கள்) and nothing more. In this case, all the witnesses are relatives of the 2<sup>nd</sup> respondent, no individual person was examined. The 1<sup>st</sup> respondent Police failed to consider that earlier in the year 2014, a complaint was given by the 2<sup>nd</sup> respondent and a case was registered and thereafter, on similar allegations, again a complaint was given by the 2<sup>nd</sup> respondent and a case in Crime No.5 of 2016 was registered and charge sheet was filed against the petitioners. He further submitted that the petitioners are willing to pay a sum of Rs.2,00,000/- to the 2<sup>nd</sup> respondent for the benefit of the minor daughter, since there are several stakeholders for the family property, it will take sufficient long time for family partition. The 2<sup>nd</sup> respondent would be entitled for 1/6<sup>th</sup> share in a small house property and nothing more. Hence, he prayed for quashing of the proceedings against them.

5.The learned Additional Public Prosecutor appearing on behalf of the 1<sup>st</sup> respondent Police submitted that the 2<sup>nd</sup> respondent, after the death of her husband Anand, got married to another person. Now, she is living with her daughter along with her second husband. The new life of the 2<sup>nd</sup> respondent is not happy and she is doing small menial works to sustain herself and her daughter. He further submitted that there is no support for the 2<sup>nd</sup> respondent from her parental home. Even her mother is no more now. On completion of investigation, charge sheet was filed before the trial Court in C.C.No.93 of 2018 listing LW1 to LW15.

6.This Court considered the rival submissions and perused the materials available on record.



7. Earlier, the learned Additional Public Prosecutor submitted that the 2<sup>nd</sup> respondent may be summoned to find out whether she is willing for any settlement and her grievance can be resolved. Considering the same, this Court directed the 1<sup>st</sup> respondent Police to inform the 2<sup>nd</sup> respondent about the pendency of the proceedings and to ensure her presence and her minor daughter and the petitioners.

8. As per the order of this Court, both of them appeared before this Court and they were enquired. Finally, the petitioners agreed to handover Rs.2,00,000/- for the welfare of the minor daughter which was also agreeable to the 2<sup>nd</sup> respondent. On 20.04.2022, the learned counsel for the petitioners produced the demand draft bearing No.768707, dated 19.04.2022 for sum of Rs.2,00,000/- drawn on Indian Bank, Gudiyathm Branch in favour of the minor daughter. The apprehension of the 2<sup>nd</sup> respondent is that due to her present marriage life, the amount will get diverted. Hence, she requested that the amount to be deposited in a Nationalized Bank in the name of minor daughter.

9. For clarity, the order, dated 20.04.2022 is extracted below:-

"In continuation to the order passed by this Court on 08.04.2022, today, Ms.B.Vidhyavathi, WGr-I 3000, All Women Police Station, Gudiyatham, is present before this Court. The second respondent/defacto complainant Mrs.A.Lakshmi and her minor daughter A.Rasheeda are also present before this Court. It was agreed by the second respondent to receive a sum of Rs.2,00,000/- (Rupees Two lakhs only) in favour of her daughter A.Rasheeda.

2. The learned counsel for the petitioners has produced a Demand Draft bearing No.768707 dated 19.04.2022 for a sum of Rs.2,00,000/- drawn on Indian Bank, Gudiyatham Branch in favour of "A.Rasheeda".

3. The second respondent's only request is that the amount should be safeguarded in a Fixed Deposit in the name of her minor daughter Rasheeda and the same to be utilised only for the benefit and welfare of the minor daughter and seeks appropriate order to be passed, directing the Bank or Postal authority to ensure the same.

4. In view of the same, the Demand Draft is to be converted as a Fixed Deposit in the name of minor daughter A.Rasheeda and the second respondent will be the guardian. The money to be utilised only for the



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benefit and welfare of the minor daughter.

5. Accordingly, the first respondent police is directed to assist the second respondent/defacto complainant in approaching the Bank or the Post Master for depositing the amount, i.e. Demand Draft as a Fixed Deposit. The Branch Manager of the Nationalised Bank or the Post Master to ensure that the Demand Draft is converted into Fixed Deposit in the name of the minor child A.Rasheeda with sufficient safeguard, so that the benefits enures only to the minor child alone.

6. Post the matter on 27.04.2022 for production of Fixed Deposit receipt, under the caption "For compliance".

10.It is brought to the notice of this Court that Rs.2,00,000/- was deposited as Fixed Deposit in the name of the minor daughter A.Rasheeda in Account No.40959233277 on 04.05.2022 in State Bank of India, Madanur M.C.Road Branch. The copy of the Fixed Deposit receipt and the bank details were produced. The said receipt and bank details shall remain part of the record.

11.Considering that the 2<sup>nd</sup> respondent and the petitioners having resolved the issue between them and the above case is an off-shoot of matrimonial discord, this Court is inclined to quash the proceedings against the petitioners in C.C.No.93 of 2018, on the file of the Judicial Magistrate, Gudiyatham and the same is quashed.

12.Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Criminal Miscellaneous Petition is closed.

SD/-  
ASSISTANT REGISTRAR

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SUB ASSISTANT REGISTRAR

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To

1.The Judicial Magistrate Court,  
Gudiyatham.



2.The Inspector of Police,  
All Women Police Station,  
Gudiyatham,  
Vellore-District.

3.The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.M.Machavatharan, Advocate Sr.29210

CRL.O.P.No.29945 of 2018

ca[co]  
srg 08/06/2022