



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.3882 of 2022

and

CrlM.P.(MD) No.2834 and 2835 of 2022

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Sree Hari Venkatesan

...Petitioner

Vs.

1. The State represented by its
The Inspector of Police
All Women Police station
Karur District

2. Aswini

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the impugned Charge Sheet C.C.No.32/2021 on the file of respondent police in so far as petitioner concerned and quash the same.

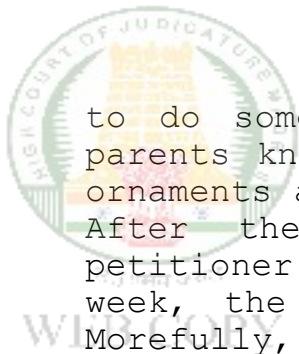
For Petitioner : M/s.M.Natarajan

For Respondents : Mr.R.M.Anbunithi
No.1 Additional Public Prosecutor

ORDER

This petition has been filed to quash the proceedings in C.C.No.32 of 2021 on the file of the Additional Mahila Court, Karur

2. The respondent's father is namely one Vijayakumar none other than father in law of the petitioner. Then, the said Vijayakumar was looking for marriage proposals for his daughter from various sources. One of his relatives via, respondent's profile was shared to the petitioner and his family members. Initially, the petitioner's family did not agree for the said proposal, since the respondent's mother and father had some rude characteristics. However, due to some persistent finally agreed for marriage because the 2nd respondent is a tennis player and Bharathanatyam Dancer and the said marriage was solemnized on 15.09.2013 at Angalaparameswari Amman Kovil, Kaavalipalayam, Karur in the presence of both family members as per our rites and customs with limited invitees which is around 200 persons only. It is further pertinent to mention that the petitioner and his parents never made any dowry demands, however the 2nd respondent's parents say that we have only one girl baby. We have



to do something in our capacity. As per the petitioner and his parents knowledge, 2nd respondent wore around 50 sovereigns of gold ornaments and other silver items, including some household articles. After the said marriage, the first night happened at the petitioner's house at Kerala except on this day and for another one week, the 2nd respondent never stayed at the petitioner's home. Morefully, sometimes the petitioner's parents and also their relatives were compelled to attend som auspicious function and travelling around the temple since, the petitioner is working in Saudi Arabia. It is further pertinent to note that during the first night, all jewels were given to the 2nd respondent's mother except daily use jewels and the petitioner and his parents never thinking of it, the respondent's respective jewels matter. Further after the said marriage, the petitioner went to Saudi Arabia for his work and he arranged a visa to the respondent and to take her to Saudi on 29th November, 2013. The petitioner is sadly informed that the respondent does not know basic cooking and does not even wash the utensils. However, he managed with office work and trained her to do the house work. But, respondent's mother simply informed over the phone, ''She is the queen of our home, she does not know anything, you should not ask her to do any works''. However, the petitioner is doing his work because before marriage he cooked for himself and after marriage he also cooked for herself too. These factors were never informed by the petitioner to his parents, because he thought both the parents are senior citizens, they worried about his life.

3. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor would submit that the trial has been commenced and some of the witnesses have been examined in this case.

5. Heard the learned counsel appearing on either side

6. It is relevant to rely upon the judgment of the Hon'ble Supreme Court of India passed in **Crl.A.No.579 of 2019** dated **02.04.2019** in the case of **Devendra Prasad Singh Vs. State of Bihar & Anr.**, as follows:-

" 12.So far as the second ground is concerned, we are of the view that the High Court while hearing the application under Section 482 of the Cr.P.C. had no jurisdiction to appreciate the statement of the witnesses and record a finding that there were inconsistencies in their statements and, therefore, there was no prima facie case made out against respondent No.2. In our view, this could be done only in the trial while deciding the issues on the



merits or/and by the Appellate Court while deciding the appeal arising out of the final order passed by the Trial Court but not in Section 482 Cr.P.C. proceedings.

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13. In view of the foregoing discussion, we allow the appeal, set aside the impugned order and restore the aforementioned complaint case to its original file for being proceeded with on merits in accordance with law.

7. Recently, the Hon'ble Supreme Court of India dealing in respect of the very same issue in **Crl.A.No.1572 of 2019** dated 17.10.2019 in the case of **Central Bureau of Investigation Vs. Arvind Khanna**, wherein, it has been held as follows:

"19. After perusing the impugned order and on hearing the submissions made by the learned senior counsels on both sides, we are of the view that the impugned order passed by the High Court is not sustainable. In a petition filed under Section 482 of Cr.P.C., the High Court has recorded findings on several disputed facts and allowed the petition. Defence of the accused is to be tested after appreciating the evidence during trial. The very fact that the High Court, in this case, went into the most minute details, on the allegations made by the appellant-C.B.I., and the defence put-forth by the respondent, led us to a conclusion that the High Court has exceeded its power, while exercising its inherent jurisdiction under Section 482 Cr.P.C.

20. In our view, the assessment made by the High Court at this stage, when the matter has been taken cognizance by the Competent Court, is completely incorrect and uncalled for."

8. Further the Hon'ble Supreme Court of India also held in the order dated **02.12.2019** in **Crl.A.No.1817 of 2019** in the case of **M. Jayanthi Vs. K.R. Meenakshi & anr**, as follows:

"9. It is too late in the day to seek reference to any authority for the proposition that while invoking the power under Section 482 Cr.P.C for quashing a complaint or a charge, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. The Court may also be



entitled to see (i) whether the preconditions requisite for taking cognizance have been complied with or not; and (ii) whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged.

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13. A look at the complaint filed by the appellant would show that the appellant had incorporated the ingredients necessary for prosecuting the respondents for the offences alleged. The question whether the appellant will be able to prove the allegations in a manner known to law would arise only at a later stage....."

The above judgments are squarely applicable to this case and as such, the points raised by the petitioners cannot be considered by this Court under Section 482 Cr.P.C.

9. In view of the above discussion, this Court is not inclined to quash the proceedings in C.C.No.32 of 2021 on the file of the Additional Mahila Court, Karur. The petitioners are at liberty to raise all the grounds before the trial Court. The trial Court is directed to complete the trial within a period of nine months from the date of receipt of copy of this Order.

10. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar (CS)

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To

1. The Additional Mahila Court, Karur
2. The Inspector of Police
All Women Police station, Karur District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

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