



WEB COPY

Crl.R.C.(MD) No.338 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2022

CORAM:

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

Crl.R.C. (MD)No.338 of 2020

in

Crl.M.P. (MD)No.2854 of 2020

1.Jeyaram Nadar
2.Jeeva

... Petitioners

Vs.

The State of Tamilnadu through
The Assistant Commissioner of Police,
B5-Therkkuvasal Police Station,
Madurai City, Madurai.
(Crime No.89/2010)

... Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401(1) of Criminal Procedure Code, to set aside the order passed in Crl.M.P.No.1338 of 2018 in S.C.No.126 of 2018 dated 13.01.2020 on the file of the Sessions Judge, Mahila Court, Madurai.

For Petitioners : Mr.S.C.Herold Singh
For Respondent : M/s.M.Aasha
Government Advocate

ORDER

This Criminal Revision has been filed to set aside the order passed in Crl.M.P.No.1338 of 2018 in S.C.No.126 of 2018 dated 13.01.2020 on the file of the Sessions Mahila Court, Madurai, thereby dismissing the petition filed for discharge.

2. The case of the prosecution is that the deceased got married with the first accused namely Ramesh @ Kamatchipandi on 04.11.2005 and after marriage they both lived in Bangalore. During the time of marriage, the parents of the deceased presented 100 sovereigns of gold jewels 2 ½ kgs of silver ornaments along with Rs.1,00,000/- case and other household articles worth about Rs.2,00,000/-. That apart they also presented 10 sovereigns of gold jewels for the first accused. Due to the torture made by the first accused the deceased returned to her parent's house and thereafter due to the advise of the elders in the family she again returned to the matrimonial home. Again due to demand of huge dowry the deceased returned to her parent's home. While being so, in the suicidal note the deceased had stated that she set fire upon her.



3. There are totally four accused in this case and the petitioners herein are A2 and A3. Admittedly the offence said to have taken place within a period of seven months from the date of marriage. The Revenue Divisional Officer conducted enquiry and concluded that the deceased committed suicide due to dowry harassment. Thereafter the first respondent completed investigation and filed final report in Crime No.89 of 2010 before the concerned Court and the same has been taken cognizance for the offence under Section 304(B) of IPC as against the accused persons.

4. The petitioners herein are parents of the first accused. Perusal of the statement recorded under Section 161(3) reveals that the accused persons demanded huge dowry and also harassed the deceased. That apart in the counter affidavit filed by the respondent police, the deceased in her suicidal note has stated as follows:

" My husband and my mother in law are responsible for whatever happens to me. They have taken my cell phone. I have my brother in law Mr. Nagaraj's mobile but it has no covering. They might do anything to me. They are speaking very badly"

5. Therefore there are incriminating materials available as against the accused persons to frame charges for the offence under Section 304(B) of IPC, hence the Court below has rightly dismissed the petition filed by the petitioners for discharge and this Court finds no illegality or infirmity in the order passed by the Court below.

6. In the result, the Criminal Revision stands dismissed. Further, the trial Court is directed to complete the trial proceedings in S.C.No.126 of 2018 within a period of six months from the date of receipt of a copy of this order. However, the personal appearance of the petitioners are dispensed with before the trial Court. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

aav

To:

1. The Sessions Judge, Mahila Court, Madurai

<https://hcservices.ecourts.gov.in/hcservices/>



2. The Assistant Commissioner of Police,
B5-Therkkuvasal Police Station,
Madurai City, Madurai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.C. HEROLD SINGH, Advocate (SR-20301[F] dated
21/04/2022)

Crl.R.C.(MD)No.338 of 2020
in
Crl.M.P.(MD)No.2854 of 2020
20.04.2022

MGJ(10.05.2022) 3P 5C