



CrI.O.P.(MD)No.7716 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.10.2022

CORAM :

CORAM : JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.(MD)No.7716 of 2022

and

CrI.M.P.(MD)No.5266 of 2022

Mohamed Nisha

... Petitioner/Accused-5

Vs.

1.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai-Crime No.769/13.

..1st Respondent/Complainant

2.Yasmin Rani

..2nd Respondent/Defacto complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned final report of the first respondent, dated 14.05.2014 in C.C.No.54 of 2016 on the file of the Judicial Magistrate No.1, Sivagangai, quash the same insofar as the petitioner is concerned.

For Petitioner

: Mr.V.S.Kumaraguru

For R1

: Mr.B.Nambiselvan

Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to quash the proceedings in C.C.No.54 of 2016 on the file of the Judicial Magistrate No.1, Sivagangai insofar as the Petitioner is concerned.



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2.The Petitioner herein is the sister-in-law of the defacto complainant.

3.The learned Additional Public Prosecutor submits that as per order dated 21.05.2021 in Crl.O.P(MD).No.5370 of 2017, this Court had directed the trial Court to proceed with the trial as against the husband of the defacto complainant/second respondent and quash the proceedings against in-laws.

It is relevant to extract paragraph No.11 and 15, which is infra:-

“.....

11.It is to be pointed out that the dispute is because of the difference of opinion between husband and wife. These petitioners are only in-laws. No material has been produced by the Investigation Officer to show that these petitioners were also living along with the second respondent and the first accused. Even as per her own statement, whenever, the first accused suffered stroke, she only took him to Hospital and took care of him. The only allegation that is made against these petitioners is that they also came with her husband and abused her in filthy language and snatched her Thali Chain.

.....

15.The second respondent / defacto complainant has to work out her remedy for compensation and return of articles in the pending proceedings, apart from maintenance. Since, serious allegations have been levelled against her husband, namely, Abdul Ajeez, the first accused in the complaint, he has to face the trial and these petitioners are discharged from the criminal case. This petition is liable to be allowed and accordingly allowed. The case in CC.No.54 of 2016 pending on



Crl.O.P.(MD)No.7716 of 2022

the file of the learned Judicial Magistrate No.I, Sivagangai is quashed in respect of these petitioners alone and trial shall continue to proceed against the first accused, in accordance with law. Consequently, the connected Miscellaneous Petitions are closed. “

4.In the light of the above, the Petitioner herein also being the in-law, sister-in-law of the defacto complainant, the proceeding in CC.No.54 of 2016 on the file of the learned Judicial Magistrate No.I, Sivagangai, is quashed regarding the Petitioner alone. As observed in the earlier order, the trial shall proceed regarding the husband of the defacto complainant.

5.Accordingly, the Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

27.10.2022

Index : Yes/No

Internet: Yes/No

Rmk

To

1.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.

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



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Crl.O.P.(MD)No.7716 of 2022

SATHI KUMAR SUKUMARA KURUP, J.,

Rmk

Crl.O.P.(MD)No.7716 of 2022

27.10.2022