



*Crl.O.P.(MD) No.14316 of 2022*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED:10.08.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE V.SIVAGNANAM**

Crl.O.P.(MD) No.14316 of 2022  
and Crl.M.P(MD) Nos.9235 and 9236 of 2022

1. S.Haris Devan
2. R.Sivakumar'
3. S.JeyaSudha
4. Anandha Bairavi
5. Mahalakshmi

... Petitioners

**Vs.**

R.Viru Nagarani

....Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertinent to the complaint in DVOP No.8 of 2022 on the file of the Judicial Magistrate, Bodinayakanur, Theni District and quash the same.

For Petitioners : Mr.V.P.Rajan

**ORDER**

This Criminal Original Petition has been filed to quash the complaint in DVOP No.8 of 2022 on the file of the Judicial Magistrate, Bodinayakanur, Theni District



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2. The learned counsel for the petitioners would submit that the first petitioner is the husband, second petitioner is the father-in-law, third petitioner is the mother-in-law, fourth petitioner is the sister-in-law and the fifth petitioner is the aunt. He further submitted that the fourth and fifth petitioners are not residing along with the complainant and they are residing at Madurai and Tiruppur. The allegations against the fourth and fifth petitioners are false and they are not living with the respondents 1 to 3 and false allegations have been made out as against fourth and fifth petitioners. He further submitted that the second and third petitioners are residing at Mumbai, hence he pleaded to quash the proceedings .

3. I have considered the submission of the learned counsel appearing for the petitioners.

4. From the perusal of the records, it is seen that first petitioner is the husband, second petitioner is the father-in-law, third petitioner is the mother-in-law, fourth petitioner is the sister-in-law and the fifth petitioner is the aunt. The marriage between the first petitioner and the



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respondent took place on 14.06.2019 and at the time of marriage they demanded 40 sovereigns of gold jewels, one kilogram silver items and properties worth about Rs.2 lakhs and other things. Thereafter due to difference of opinion the complainant started living separately. When she went to the in-laws house they locked the house and sent the complainant out of the house and the respondents 4 and 5 also threatened her and also demanded the complainant to bring 10 sovereigns of gold jewels and Rs.5lakhs. Under these circumstances complaint is given before the learned Judicial Magistrate and was taken on file.

5. The learned counsel for the petitioners disputed the allegations made by the respondent and further submitted that the fourth and fifth petitioners are living in Madurai and Trichy respectively and the second and third petitioners are residing at Mumbai. He further denied the allegations and took the factual defence. According to the complainant fourth and fifth petitioner through phone demanded dowry and further the second and third respondents locked the house and not permitted to enter into the house.



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6. Under these circumstances, whether the complainant was not allowed to enter into the house and whether the fourth and fifth petitioners through phone demanded dowry has to be decided by letting in evidence. Under these circumstances, it would not be appropriate to quash the criminal proceedings before the commencement of trial and Hence, I find no merits in the Criminal Original Petition.

7. Hence, this criminal original petition stands dismissed. Consequently connected miscellaneous petitions are closed.

8.However, the learned Counsel appearing for the petitioners submitted that the personal appearance of the petitioners before the trial Court may be dispensed with.

9.I have considered the submission. Considering the fact that the first petitioner is working in Indian Navy and the second and third petitioners are residing at Mumbai ad the fourth and fifth petitioners are



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residing at Madurai and Tiruppur, the personal appearance of the petitioners before the trial Court is hereby, dispensed with. But, they should appear before the trial Court, whenever required for further proceedings.

10. Consequently, the connected miscellaneous petition in Crl.M.P(MD) No.9235 of 2022 stands closed and Crl.M.P(MD) No.9236 of 2022 stands allowed.

10.08.2022

Internet: Yes  
Index: Yes/No  
Speaking/Non speaking order  
aav

To

1. The Inspector of Police  
Sivagangai Town Police Station  
Sivagangai District
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court.



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V.SIVAGNANAM, J.

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