



CRL.O.P(MD).No.18527 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.11.2022

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

**CRL.O.P(MD).No.18527 of 2018
and CRL.M.P(MD).Nos.8286 and 8287 of 2018**

1.Alagu Sundaram
2.Gurusamy
3.Muthu Irulayee
4.Alagu Eswari
5.Gomathi
6.Kalai Eswaran
7.Raja

... Petitioners

Vs.

1.The State rep.by its
The Sub-Inspector of Police,
D3 Avaniyapuram Police Station,
Madurai District.
Crime No.496/2014.

2.Boomadevi

... Respondents

PRAYER: Petition filed under Article 482 of the Code of Criminal Procedure, to call for the records in C.C.No.285 of 2014 pending on the file of the Judicial Magistrate No.VI, Madurai and quash the same.



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For Petitioner : Mr.T.K.Gopalan
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.)
for R1

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.285 of 2014 pending on the file of the Judicial Magistrate No.VI, Madurai.

2. The second respondent/defacto complainant gave a complaint to the effect that after she delivered a child, she came to the matrimonial home on 13.05.2014 at about 12.30 p.m. and questioned the accused persons as to why they are not taking her back along with the child. At that point of time, the accused persons are said to have formed into an unlawful assembly and had abused the defacto complainant in a filthy language and intimidated her and caused her simple injury. Hence, the defacto complainant gave a complaint to the first respondent, based on which, an FIR came to be registered in Crime No.496 of 2014.



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3. Investigation was taken up and ultimately, a final report was filed against seven accused persons before the learned Judicial Magistrate No.VI, Madurai and it was taken cognizance in C.C.No.285 of 2014 and the process was issued against all the accused persons. Aggrieved by the same, this quash petition has been filed by accused Nos.1 to 7/petitioners.

4. Heard Mr.T.K.Gopalan, learned counsel appearing for the petitioner and Mr.M.Sakthi Kumar, learned Government Advocate (Crl.Side) appearing for the first respondent.

5. A1 is the husband, A2 and A3 are the father-in-law and mother-in-law, A4 and A5 are the sisters-in-law and A6 and A7 are the husbands of A4 and A5 respectively. It is seen from the records that the marriage between the defacto complainant and A1 took place in the year 2010 and thereafter, the defacto complainant left to her parents house, when she became pregnant and she delivered a child. The grievance of the defacto complainant is that after the child was delivered, she was not taken back



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into the matrimonial home and she also came to know that A1 had contracted a second marriage. Hence, when the same was questioned, the incident had taken place.

6. On carefully going through the statements recorded during the course of investigation and the allegation made in the final report, it is seen that general allegations have been made against in-laws and no offence has been made out against them under Sections 294(b), 323 and 506(ii) IPC. This is yet another case where in a matrimonial dispute between the husband and wife, all the in-laws are roped in as accused persons and are made to face criminal proceedings. Such practice has been deprecated time and again by the Hon'ble Apex Court and this Court.

7. The learned counsel appearing for the second respondent fairly submitted that her intention is not to rope in the in-laws as accused persons and she is trying to rejoin and live with the husband/A1. The statement made by the learned counsel appearing for the second respondent is taken



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into consideration.

8. In view of the above, this Court finds that the continuation of the criminal proceedings against A2 to A7 will amount to abuse of process of law which requires the interference of this Court under Section 482 of the Code of Criminal Procedure. Based on the allegations made in the final report and the statement recorded from the witnesses, A1 has to face the trial before the Court below and it is left open to A1 to raise all the grounds in his defence.

9. Accordingly, the proceedings in C.C.No.285 of 2014 on the file of the Judicial Magistrate No.VI, Madurai is quashed insofar as A2 to A7 are concerned. The Court below shall proceed further as against A1 and shall complete the proceedings in accordance with law within a period of three months from the date of receipt of a copy of this order.



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10. In the result, this Criminal Original Petition is allowed to the extent indicated hereinabove. Connected miscellaneous petitions are closed.

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Index : Yes / No
Speaking Order : Yes / No
ssb

To
The Sub-Inspector of Police,
D3 Avaniyapuram Police Station,
Madurai District.



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N.ANAND VENKATESH, J.

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