



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.17938 of 2021
and
Cr.M.P. (MD)No.9783 of 2021

1.Santhi
2.Nattrasi

... Petitioners/
Accused Nos.3 & 4

Vs.

1.The State represented by
The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
(Crime No.14 of 2021)

... 1st Respondent/
Complainant

2.Pavithra

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records and quash the FIR in Crime No.14 of 2021 on the file of the respondent for the offences under Sections 498-A IPC and 4 of Dowry Prohibition Act insofar as the petitioner is concerned.

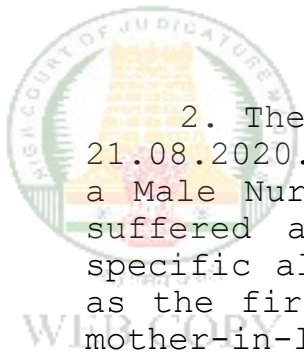
For Petitioners : Mr.A.Arul Jenifer

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)
for R.1

Mr.K Appa Durai for R.2

ORDER

Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Criminal Side) appearing for the first respondent and the learned counsel appearing for the defacto complainant.



2. The defacto complainant and the first accused got married on 21.08.2020. The defacto complainant's husband is working in Navy as a Male Nurse at Andaman. The marital relationship appears to have suffered a breakdown. According to the defacto complainant, a specific allegation has been made against the first accused as well as the first petitioner herein. The first petitioner herein is the mother-in-law of the defacto complainant. Therefore, on the last occasion, I indicated that the mother-in-law will have to face the case on merits and the inherent powers of this Court will not be invoked in her favour. Thereupon, on the last occasion itself, this Criminal original Petition came to be dismissed as against the first petitioner.

3. The second petitioner is the sister-in-law of the defacto complainant. I carefully went through the entire contents of the FIR. The second petitioner has not had any direct dealing with the defacto complainant. The defacto complainant had made some allegation against the second petitioner only based on what her husband told her. In my view, it is absolutely insufficient to fasten any penal liability on the second petitioner. The second petitioner got married quite sometime back. She was not a part of the household when the marriage between the first accused and the defacto complainant took place. Since the case against the second petitioner is not based on any legally acceptable material, the impugned FIR is quashed as far as the second petitioner is concerned. I make it clear that quashing of the case as regards the second petitioner will not in any way have a bearing on the allegations made by the defacto complainant against the other accused. This Criminal Original Petition is partly allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.

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

CrI.O.P. (MD) No.17938 of 2021
and
Cr.M.P. (MD) No.9783 of 2021
19.01.2022

RK(09/02/2022) 3P 3C