



Crl.O.P.(MD)No.20579 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.20579 of 2018

and

CRL.M.P.(MD)Nos.9518 and 9519 of 2018

- 1.Sahul Hameed
- 2.Jameel Ahamed
- 3.Rafisha Beevi
- 4.Seba Begam
- 5.Benazir
- 6.Nizar
- 7.Jameel Ahamed

... Petitioners/Accused No.1 to 7

Vs.

- 1.The State rep by
The Inspector of Police,
All women Police Station,
Manamadurai,
Sivagangai District.
(in Crime No.42 of 2015)

- 2.Akila Nasrin

... 2nd Respondent/Defacto
complainant



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PRAYER : Criminal Original Petitions filed under Section 482 of Cr.P.C., to call for the records relating to the charge sheet in C.C.No.228 of 2016 on the file of A.D.M cum Judicial Magistrate Court, Manamadurai and quash the same as illegal.

For Petitioner : Mr.Md.Imran
for M/s.Ajmal Associates
For Respondents : Mr.M.Sakthikumar, - for R1
Government Advocate (Crl. side)

ORDER

The petitioners, who are arrayed as A1 to A7 in the final report, have filed this petition seeking to quash the proceedings in C.C.No. 228 of 2016 on the file of the Additional District Munsif cum Judicial Magistrate Court, Manamadurai.

2.The second respondent/defacto complainant gave a complaint to the first respondent to the effect that the marriage between the de-facto complainant and A1 took place, on 27.10.2013 and she hardly lived for 4 ½ months with A1. Thereafter, the de-facto complainant wanted to live separately with A1 at Chennai and this was objected by the other accused persons. When the same was questioned, the de-facto complainant was



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abused in filthy language and she was intimidated. Apart from that, she was also treated with cruelty. Based on this complaint, FIR came to be registered in Crime No.42 of 2015 before the first respondent.

3.Investigation was taken up and final report came to be filed before the Additional District Munsif cum Judicial Magistrate, Manamadurai and the same was taken on file in C.C.No.228 of 2016 and cognizance was taken for the offence under Sections 498A, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment and Women Act. Aggrieved by the same, the present quash petition has been filed before this Court.

4.Heard Mr.Md.Imran, learned counsel appearing for the petitioner and Mr.M.Sakthikumar, learned Government Advocate(Crl.side) appearing for the first respondent.

5.The first petitioner is the husband, second and third petitioners are the father-in-law and mother-in-law, the fourth and fifth petitioners are sisters-in-law, sixth and seventh petitioners are the



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husbands of the fourth and fifth petitioners respectively.

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6. On carefully going through the final report and the statements filed along with the final report, it is seen that there is a matrimonial dispute between A1 and the de-facto complainant. Out of the wedlock, a child was also born and it is now in the care and custody of the second respondent. The second respondent wanted to go and live separately with A1 and that seems to have created a problem and it was objected by the other family members.

7. The matter was referred to the Mediation Centre and in spite of various attempts made to settle the dispute, there was no meeting point. At one point of time, an offer was made to settle a sum of Rs.4 lakhs to the de-facto complainant and after demand draft was taken for the said amount, the de-facto complainant retracted and refused to receive the amount.

8. In the considered view of this Court, even if the allegation made in the final report read with the statements recorded from the



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witnesses are taken as it is, no offence has been made out as against the petitioners 2 to 7. This is yet another case where all the family members of the husband have been roped in as accused in a matrimonial dispute between the husband and wife. The continuation of the proceedings as against A2 to A7, will amount to abuse of process of Court and the same is liable to be interfered with by this Court under exercise of its jurisdiction under Section 482 Cr.P.C. Proceedings can go on insofar as A1 is concerned. It was brought to the notice of this Court that the marriage between A1 and the de-facto complainant was dissolved through Talaq in the year 2015 itself.

9.In the result, proceedings in C.C.No.228 of 2016 on the file of the Additional District Munsif-cum-Judicial Magistrate Court, Manamadurai, is quashed, insofar as A2 to A7 are concerned. The proceedings can go on as against A1 and the Court below shall complete the proceedings within a period of three months from the date of receipt of a copy of this order.



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10.This Criminal Original Petition is partly allowed.

Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Internet: Yes/No

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To

- 1.The Additional District Munsif
cum Judicial Magistrate Court,
Manamadurai.
- 2.The Inspector of Police,
All women Police Station,
Manamadurai,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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