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Crl.O.P.No.3633 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3633 of 2023
and
Crl.M.P.Nos.2295 & 2296 of 2023

1.M.Balaji

2.M.Vijaya

3.M.Saranya
Petitioners

...

/vs/

1.State Represented by,
Inspector of Police,
J-7, Velachery Police Station,
Chennai.

2.Ganesan

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records in S.C.No.275 of 2022 on the file of Mahalir Neethimandram, Allikulam at Chennai and quash the same.



Crl.O.P.No.3633 of 2023

For Petitioners

... Mr.G.Ashokkumar

For Respondent

... Mr.S.Santhosh (For R1)
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to call for the records in S.C.No.275 of 2022 on the file of Mahalir Neethimandram, Allikulam at Chennai and quash the same.

2. The learned counsel for the petitioner submitted that allegations made in the FIR is that the petitioners had harassed the deceased victim by demanding more dowry and therefore, she left the matrimonial house and went to the parent's house. After she went to the parent's house, there was no contact between the deceased and the petitioners' family. The allegations made in the FIR that, on 23.11.2017, 1st petitioner had abetted the deceased victim to commit suicide is not true. Even before giving complaint, petitioner had filed H.M.O.P.No.3880 of 2016 dated 03.10.2016 on the file of Family Court at Chennai for divorce under



Section 13(1)(ia) & 13(1)(iii)(b) of The Hindu Marriage Act. It is specifically alleged in the petition that victim suffered from insanity and she was deeply affected mentally. Petitioners are no way responsible for commission of suicide by the deceased. Therefore, present petition is filed.

3. The learned Government Advocate opposes the petition on the ground that the allegations in the FIR shows dowry harassment and abetment to commit suicide made by the petitioner against the deceased victim. RDO enquiry also confirms the prosecution case. The case of the prosecution is also supported by the prosecution of witnesses, especially the defacto complainant.

4. In response, learned counsel for the petitioner submitted that medical records prove that deceased victim suffered from “Acute Psychosis” and it was her own decision to commit suicide.

5. Considered the rival submissions and perused the records. It is seen from the complaint allegations that the marriage between the first petitioner and the deceased victim namely Uma Maheshwar had taken place on 05.02.2015. At the



time of marriage, she was provided with 15 sovereigns of gold jewels and the 1st petitioner was also provided with 5 sovereigns of gold jewels. They were also provided with cash amount of Rs. 1 lakh. Three months after marriage, accused had demanded Rs. 3 lakhs. Despite giving Rs.3 lakhs through cheque, accused had repeatedly demanded further dowry. Therefore, deceased victim came to the parent's house and delivered a boy baby on 19.11.2015. However, accused had not even bothered to see the child. Thereafter, petitioner filed divorce petition in H.M.O.P.No.3880 of 2016 dated 03.10.2016 on the file of Family Court at Chennai and the deceased attended one hearing on 18.11.2022. 1st accused had told that, he had sold the jewels of the deceased and also spent all the money, which was given as dowry. It is also mentioned that, 1st accused made abatement to commit suicide. Deeply hurt by his words, it is claimed that the deceased victim hanged herself on 23.11.2017. Despite giving treatment by spending Rs.5 lakhs rupees, she died on 11.12.2017. Originally this case was registered under Section 174(3) of Cr.P.C., after investigation, alteration report was filed for the offence under Section 498A and 304(B) read with Section 34 of IPC and Section 4 and 6 of Dowry Prohibition Act. Final report was also filed under the same provision. RDO has given report from the statement of the



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witness and documents that the deceased Uma Maheshwari has died due to dowry harassment. There are other witnesses who have given statements supporting the case of the prosecution. In the said circumstances, this Court is of the considered view that materials available in this case to frame charges under the relevant provision of law and therefore, the prayer sought for cannot be entertained.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

20.02.2023

Index: Yes/No

Speaking/Non speaking order

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G.CHANDRASEKHARAN, J.

sma

To

1. Inspector of Police,
J-7, Velachery Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

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