



Crl.OP.No.9835 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.9835 of 2021  
and Crl.MP.Nos.6076 & 6077 of 2021

1.Dr.Harihar Narasimha Iyer  
2.Dr.Narasimha Iyer  
3.Prof.Krishnakumari Ammal

... Petitioners

Vs.

1.State By the Inspector of Police,  
All Women Police Station,  
Adyar, Chennai-20  
2.Krupanjana

... Respondents

**PRAYER:** Criminal original petition is filed under Section 482 of Cr.P.C. to call for the entire records relating in CC.No.1575 of 2020 on the file of the learned Metropolitan Magistrate, Saidapet, Chennai and to quash the same by allowing this criminal original petition.

For Petitioners : Mr.Shinoj K.Narayanan

For Respondents

For R1 : Mr.A.Gopinath,  
Government Advocate(crl.side)

For R2 : No appearance

**ORDER**

This Criminal Original Petition has been filed to quash the



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proceedings in CC.No.1575 of 2020 on the file of the learned Metropolitan Magistrate, Saidapet, Chennai thereby taken cognizance for the offence under Sections 498(A), 406 and 506(i) of IPC.

2. The case of the prosecution is that the second respondent lodged complaint stating that she got married the first accused on 02.06.2010. During marriage, the accused demanded huge dowry. However, her parents had presented 50 sovereigns of gold, diamond ornaments and silver articles during their marriage. Thereafter, the second respondent was subjected to forcible sex and also tortured to Court. Hence the complaint. On receipt of the complaint, the first respondent registered FIR in crime No.10 of 2012 as against five accused. While pending investigation, accused 4 and 5 filed quash petition before this Court in Crl.OP.No.14656 of 2012 and the same was allowed and quashed the FIR as against them. Thereafter, the first respondent completed investigation and filed final report as against the petitioners for the offence under Section 498A and 406 of IPC and the same has been taken cognizance by the trial court in CC.No.1575 of 2020.

3. On perusal of the records revealed that all the petitioners are US



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citizens. The first petitioner is working as Senior Engineer in California. The

second and third petitioners are retired professors and they also settled in US.

After their marriage, they lived only for 11 days in India. The second respondent is a dental doctor. However, she wanted to practice in USA. There was misunderstanding between them due to various issues. Therefore, she lodged complaint for the domestic violence before the Superior Court of Alameda County, California, USA on 04.05.2012. At the same time, the first petitioner also filed petition for divorce before the very same Court. When the second respondent visited India, she also lodged the present complaint and the same was registered in crime No.10 of 2012 for the offence under Section 498A and 406 of IPC on 24.05.2012. In view of the interim order passed in the domestic violence complaint in the USA Court, the second respondent was permitted to collect all her belongings from the first petitioner under the supervision of police. Accordingly, she collected her belongings under the supervision of police. After detailed enquiry, it was held that there was no act of domestic violence or abuse on the part of the first petitioner ever occurred during the marriage. The US Court also awarded cost against the second respondent to the tune of \$25,000 USD for bringing unsubstantiated false claim. Aggrieved by the said order, the second respondent also filed appeal



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before the appellate court and the same was also dismissed and it attained finality. Thereafter, the second respondent filed suit in India in OS.No.354 of 2013 on the file of the Family Court, Tiruvanandhapuram seeking relief against the property of the petitioners 2 and 3. That apart, on perusal of statement recorded under Section 161 of Cr.P.C., of the second respondent revealed that no specific allegations and all the allegations are bald and vague. That apart, the petitioners as well as the second respondent are living in USA and as such no proceedings is moved on before the trial court.

4. Therefore, pending of the present proceedings would not serve any purpose. In order to meet the ends of justice, the impugned proceedings is liable to be quashed. Accordingly, the entire proceedings in CC.No.1575 of 2020 on the file of the learned Metropolitan Magistrate, Saidapet, Chennai is quashed and this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

10.11.2023

Index : Yes/No

Internet : Yes/No

Speaking order/non-speaking order  
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To

- 1.The learned Metropolitan Magistrate,  
Saidapet, Chennai
- 2.Inspector of Police,  
All Women Police Station,  
Adyar, Chennai-20
- 3.The Government Advocate,  
High Court of Madras



WEB COPY



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**G.K.ILANTHIRAIYAN, J.**

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