



Crl.O.P.No.5360 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.5360 of 2021

and

Crl.M.P.No.3477 of 2021

1.Naresh Kumar

2.Eswari

...Petitioners / 3rd and 4th Accused

-Vs-

1.State represented by:

Inspector of Police,
All Women Police Station,
Tindivanam,
Villupuram District.
(Crime No.10 of 2020)

... 1st Respondent / Complainant

2.Kavitha

... 2nd Respondent / De-facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the proceedings in C.C.No.124 of 2020 on the file of the Judicial Magistrate Court – I, Tindivanam, Villupuram.

For Petitioners

: Mr.K.C.Senthil Kumar

For R1

: Mr.S.Balaji,

Government Advocate (Crl.Side)

For R2

: No Appearance



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ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.124 of 2020 on the file of the Judicial Magistrate – I, Tindivanam, Villupuram District, filed for the offence under Sections 294(b), 354, 406, 420, 498(A), 506(i) IPC and Section 4 of the Dowry Prohibition Act, 1961 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2.The allegation is that the petitioners are brother and sister-in-law of the 1st accused, who is the husband of the 2nd respondent / defacto complainant; that they had harassed the defacto complainant and demanded dowry, besides abusing her in filthy language. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the 1st petitioner herein is the brother of the 1st Accused. The 1st petitioner and his wife namely, the 2nd petitioner are living separately and have nothing to do with the marriage between the 1st accused and the 2nd respondent.



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4.The learned Government Advocate, submitted that the witnesses have been examined and the case is now posted for the examination of the defence witness.

5.Though there is force in the submission of the learned Counsel for the petitioners, that the petitioners have nothing to do with the marriage between the 1st accused and the 2nd respondent, in view of the advance stage of the trial, this Court is not inclined to entertain the quash petition. According, this Criminal Original Petition is dismissed. Connected Crl.M.P.No.3477 of 2021 is closed.

6.The personal appearance of the petitioners in C.C.No.124 of 2020 on the file of the learned Judicial Magistrate – I, Tindivanam, Villupuram District, are dispensed with, unless the learned Judicial Magistrate – I, Tindivanam, considers their appearance necessary for the progress of the trial.

12.04.2023

smv

Index : Yes/No

Speaking : Yes / No

Neutral Citation : Yes / No



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To,

1. The Public Prosecutor,
High Court of Madras.
2. Inspector of Police,
All Women Police Station,
Tindivanam,
Villupuram District.
3. The Judicial Magistrate – I,
Tindivanam.



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SUNDER MOHAN,J.
smv

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and
Crl.M.P.Nos.3477 & 3478 of 2021

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