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Crl.O.P.No.8795 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.04.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8795 of 2023
and
Crl.M.P.Nos.5622 & 5623 of 2023

1. Vasanthi
2. Lakshmi
3. Gayatri

.. Petitioners

Vs

1. State Rep by,
The Inspector of Police,
All Women Police Station,
Ambur, Thirupattur District.

2. Gunashri

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in connection with C.C.No.139 of 2022 pending on the file of the Judicial Magistrate, Ambur and the same may be quashed.

For Petitioner : Mr.T.Saravanan

For Respondents : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER



Crl.O.P.No.8795 of 2023

This Criminal Original Petition has been filed to call for the records in connection with C.C.No.139 of 2022 pending on the file of the Judicial Magistrate, Ambur and the same may be quashed.

2. The learned counsel for the petitioners submitted that, petitioners are accused in C.C.No.139 of 2022 pending on the file of the Judicial Magistrate, Ambur. On the complaint given by the 2nd respondent, FIR in Crime No.10 of 2021 was registered for the offence under Sections 294(b), 323, 506(1), 494, 498 (A) of IPC and Section 4 of Dowry Prohibition Act against Vijay Babu and four others. After completing investigation, final report is final for the same offence. It is the submission of the learned counsel for the petitioner that, 2nd respondent/defacto complaint left the matrimonial home. 2nd respondent's husband filed H.M.O.P.No.108 of 2018 seeking divorce against the 2nd respondent. He further submitted that, complaint allegations about demand of dowry, causing cruelty, 2nd marriage between the 1st accused and 5th accused are totally false. Therefore, learned counsel for the petitioner prays for quashing the proceedings.

3. In response, learned Government Advocate (Crl. Side) submitted



that, complaint allegations are supported by statement of the defacto complainant and there are materials enough to frame charges against the accused for proceeding with the trial.

4. Considered the rival submissions and perused the records. It is seen from the FIR that the marriage between the 2nd respondent and 1st accused had taken place on 20.08.2020. At the time of marriage, accused demanded gold jewels and other articles. Her husband was provided with 10 sovereigns of gold jewels. Thereafter, her husband and her in-laws started harassing the 2nd respondent by demanding Rs.40 lakhs as dowry. 2nd respondent tried to get as much as possible from the parents. 2nd respondent was driven out of matrimonial home. While divorce petition is pending in H.M.P.No.108 of 2018, her husband married one Krishnaveni on 10.11.2017. When that was questioned, she was scolded in filthy language and beaten by her husband. She gave a complaint before the All Women Police Station, Ambur, but no action was taken. On 10.02.2021, she again asked her husband and other accused with regard to her husband's 2nd marriage with 5th accused. Her husband and other accused had scolded her in filthy language and beaten her and made death threat. Based on the complaint, FIR was registered. During the course of the investigation, 2nd respondent supported the complaint allegations in her statement.



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5. Thus, the reading of the FIR and the statement of the defacto complainant/2nd respondent clearly established prima facie case for framing appropriate charges against the petitioners under Sections 294(b), 323, 506(1), 494, 498 (A) of IPC and Section 4 of Dowry Prohibition Act independently or with the aid of section 149 / 34 IPC. When that be the case, prayer seeking quashment of C.C.No.139 of 2022 cannot be entertained.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed. The trial Court may proceed with the trial, without being influenced by the observations made in this order.

21.04.2023

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To,

1. The Inspector of Police,



Crl.O.P.No.8795 of 2023

All Women Police Station,
Ambur, Thirupattur District.

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2. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN,J.



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