



WEB COPY



CrI.O.P.No.3009 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P. No.3009 of 2014
and MP.No.2 of 2014

1. S.Balamurugan
2. B.Gowri

... Petitioners

Vs.

1.State rep. by the Inspector of Police,
All Women Police Station,
Gandhipuram, Coimbatore District.

2. M.Revathy Priya

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records of the proceedings pursuant to CC.No.78 of 2013 on the file of the Judicial Magistrate-III, Coimbatore, transferred and renumbered as CC.No.136 of 2013 on the file of the Additional Mahila Court (Judicial Magistrate) and quash the same in respect of the petitioners.

For Petitioner : Mr.Patrick
For M/s.K.Rajasekaran

For Respondents : Mr.L.Baskaran R1
Government Advocate (CrI.Side)
Mr.Sridharan R2



CrI.O.P.No.3009 of 2014

ORDER

WEB COPY

The petitioners are the husband and wife and the first petitioner is the defacto complainant's husband's elder brother. The petitioners are continuously residing at Singapore on employment. The petitioners have filed this petition seeking to quash proceedings in CC.No.136 of 2013 on the file of the Additional Mahila Court (Judicial Magistrate), Coimbatore.

2. The short facts that are necessary for disposal of this original petition are as follows:

The marriage between the defacto complainant and the brother of the first petitioner was held on 11.12.2005 at Coimbatore.

It is the case of the defacto complainant that a sum of Rs.2,00,000/- and 200 sovereigns of gold jewels were given as dowry. Not satisfied with the said dowry, the accused and others tortured the defacto complainant to bring more dowry, subsequently, requested Rs.5,00,000/- and another 100 sovereigns of gold and also threatened the defacto complainant. Unable to bear the torture meted out by her husband and her-in-



WEB COPY



CrI.O.P.No.3009 of 2014

laws, the defacto complainant has preferred a complaint before the respondent police, which was registered as Crime No.35 of 2012 for alleged offence under Sections 498(a), 406, 506(i) IPC read with Section 34 of IPC.

The police have investigated the case and filed a charge sheet and the same was taken on file by the Learned Judicial Magistrate-III, Coimbatore in C.C.No.78 of 2013 and the same was transferred and re-numbered as CC.No.136 of 2013 on the file of the learned Additional Mahila Court, Coimabatore. Seeking to quash the case registered against the petitioners, they filed the present original petition before this Court.

3. Heard Learned Counsel appearing on either side, and perused materials available on record.

4. Admittedly, the petitioners are the in law of the defacto complainant. It is the allegation of the defacto complainant that the petitioner instigated her husband to demand more dowry. It is seen from records that during the relevant point of time, the first petitioner was



working in Singapore and the petitioners were not living in a joint family to harass the defacto complainant or demand more dowry from her. The defacto complainant seems to have named all and sundry in the FIR. This Court is not expressing any opinion on the allegation made against the husband of the defacto complainant. The first petitioner is husband's brother of the defacto complainant and he was, admittedly, working at Singapore after the marriage of the defacto complainant. The second petitioner is the Co-sister of the defacto complainant and after the marriage of the defacto complainant, the petitioners went to Singapore and they were living there. That being the case, the petitioners need not be made to go the rigour of trial in a case of this nature, where the allegations mainly revolve around the husband and in laws of the defacto complainant.

5. In the result, this Court has no hesitation to quash the proceedings pending against the petitioners alone. Accordingly, this Criminal Original Petition is allowed and the proceedings in CC.No.78 of 2013 on the file of the Judicial Magistrate-III, Coimbatore, which was transferred and renumbered as CC.No.136 of 2013 on the file of the Additional Mahila Court (Judicial Magistrate), Coimbatore, is hereby quashed insofar as the



CrI.O.P.No.3009 of 2014

petitioners (A4 & A5) are concerned. Consequently, connected miscellaneous petition is also closed.

25.01.2023

rli

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1. The Inspector of Police,
All Women Police Station,
Gandhipuram, Coimbatore District.
2. The Judge, Judicial Magistrate-III, Coimbatore.
3. The Judge, Additional Mahila Court,
(Judicial Magistrate), Coimbatore.
4. The Public Prosecutor,
Madras High Court.



WEB COPY



Crl.O.P.No.3009 of 2014

M.DHANDAPANI,J.
rli

Crl.O.P. No.3009 of 2014

25.01.2023