



WEB COPY



Crl.O.P.Nos.27224 & 21476 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

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

Crl.O.P.Nos. 27224 & 21476 of 2014

and

M.P.Nos. 1 & 1 of 2014

Crl.O.P.No.27224 of 2014

1. Arun Prasath Anbalagan
2. Aparna Muruganandam Petitioners/Accused Nos. 4 & 5

Vs

1. Inspector of Police,
W-35, All Women Police Station,
Tambaram,
(Crime No.3 of 2013) Respondent/Respondent
2. Aruna Respondent/Defacto complainant

Crl.O.P.No.21476 of 2014

Anbalagan Petitioner/Accused No.3

Vs

Inspector of Police,
W-35, All Women Police Station,
Tambaram,
(Crime No.3 of 2013) Respondent/Complainant



Crl.O.P.Nos.27224 & 21476 of 2014

COMMON PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, praying to call for the records in C.C.No.985 of 2013 pending on the file of the Judicial Magistrate, Tambaram and quash the same as far as the petitioners are concerned.

In Crl.O.P.No.27224 of 2014

For Petitioners : Mr.N.Senthil Kumar
For R1 : Mr.S.Rajakumar
Additional Public Prosecutor.
For R2 : Mr.R.Radha Pandiyan

In Crl.O.P.No.21476 of 2014

For Petitioner : Mr.T.R.Sundaram
For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor.

COMMON ORDER

These Criminal Original Petitions have been filed to quash the proceedings in C.C.No.985 of 2013 pending on the file of the Judicial Magistrate, Tambaram.

2. Heard, learned counsel appearing for the petitioners and the learned counsel appearing for the respondents and perused the materials available on record.



3. There are totally seven accused, in which the petitioners are arrayed as A3, A4 and A5. The case of the prosecution is that the defacto complainant got married the first accused on 27.10.2010. Thereafter, they went to Coimbatore for their reception and stayed in the in-law's house. At that juncture, the petitioners visited the residence of A2 and expressed their views to the second accused that the choice of the complainant/daughter in law is not a good one and her family is not rich enough or equal to the first accused. Because of the said conversation between A2 and A3, all the accused persons used to harass the defacto complainant for dowry.

4. On the complaint given by the defacto complainant, the respondent/police registered FIR in Crime No.3 of 2013 and after completion of investigation filed final report and the same has been taken cognizance in C.C.No.985 of 2013 on the file of the Judicial Magistrate, Tambaram.

5. Insofar as the other accused persons are concerned, they harassed the defacto complainant and demanded dowry of 100 sovereigns of gold and



Rs.25 Lakhs cash to settle the liabilities arise due to the loan available by A1/husband of the defacto complainant. The petitioners are concerned, except the allegation that they had conversed with A2 and A3 in respect of the family status of the victim, all other allegations are bald and vague and the petitioners have been implicated as accused on very triable allegations. Therefore, the entire allegations made in the complaint are from the statement recorded from the witnesses and no prima facie constitute on any of the offence or make out a case against the petitioners.

6. In this regard, it is relevant to extract the judgement reported in **(1992) SCC CrI. 426** in the case of **Bajanlal v. State of Haryana**, wherein the Hon'ble Supreme Court of India has listed out the following category of case in which the criminal proceedings can be quashed using the inherent jurisdiction of the High Court under Section 482 Cr.P.C.:

"102.....

.....

7. Where a criminal proceeding is manifestly attended with malafide and/or where the proceedings is maliciously instituted with an



ulterior motive for wrecking vengeance on the accused and with a view to spite him due to private and personal grudge."

Therefore, the impugned complaint is nothing but clear abuse of process of law and it cannot be sustained as against the petitioners and it is liable to be quashed.

7. In view of the above discussion, the proceedings in C.C.No.985 of 2013 pending on the file of the Judicial Magistrate, Tambaram, is hereby quashed in respect of the petitioners alone. Insofar as the other accused persons are concerned, the trial Court is directed to complete the trial as against the other accused persons within a period of six months from the date of receipt of a copy of this order, if not already disposed of.

8. In the result, these Criminal Original Petitions are allowed. Consequently, connected miscellaneous petitions are closed.

13.04.2023

Internet: Yes
Index : Yes/No
Lpp



WEB COPY

To

1. The Inspector of Police,
W-35, All Women Police Station,
Tambaram.

2. The Public Prosecutor,
High Court,
Madras.



Crl.O.P.Nos.27224 & 21476 of 2014

G.K.ILANTHIRAIYAN. J.
Lpp

Crl.O.P.Nos. 27224 & 21476 of 2014
and
M.P.Nos. 1 & 1 of 2014

13.04.2023