



WEB COPY



Crl.O.P.No.16062 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM:

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

Crl.O.P.No.16062 of 2021  
Crl.M.P.Nos.8732 & 8734 of 2021

1. N.Saroja  
2. N.Uma

... Petitioners

Vs.

1.The State rep. by  
The Inspector of Police,  
All Women Police Station,  
Tiruvannamalai District.  
Crime No.22 of 2018

2. A.Revathi

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the proceedings in C.C.No.11 of 2021 on the file of the Additional Mahila Court at Magisterial level at Tiruvannamalai for an offence under Sections 498(A) and 406 IPC as against the petitioners..

For Petitioners : Mr.C.Arunkumar

For Respondent 1 : Mr.S.Balaji  
Government Advocate (Crl.Side)

For Respondent 2 : No appearance



WEB COPY



Crl.O.P.No.16062 of 2021

## **ORDER**

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.11 of 2021 on the file of the Additional Mahila Court at Magisterial level at Tiruvannamalai for the offences under Sections 498(A) and 406 IPC as against the petitioners.

2. It is alleged in the final report that the defacto complainant married the first accused, who is the son of the first petitioner herein on 16.09.1999; that out of the wedlock a girl child was born on 08.06.2000; that at the time of marriage, the petitioners demanded 100 sovereign jewels; that when they found that there was a shortage in the jewels to the extent of 5 sovereigns, they had abused the defacto complainant; that thereafter the first accused had pledged 70 sovereign jewels given by the parents of the defacto complainant and misappropriated the same; and that the first accused had illicit relationship with several women and when the same was questioned, he had assaulted the defacto complainant. The second and third accused are petitioners herein in the instant case. The first petitioner is the mother-in-law and the second



Crl.O.P.No.16062 of 2021

petitioner is the sister-in-law of the defacto complainant.

WEB COPY

3. The learned counsel for the petitioners submitted that the complaint was made in the year 2017, nearly 18 years after the marriage between the first accused and the defacto complainant. The allegations against the mother-in-law is that she had abused the defacto complainant in the year 1999. He would further submits that the second respondent is aggrieved by the alleged extra marital affair of her husband/A1. The other allegations against the petitioners besides being belated and false have been invented to falsely implicate the petitioners. Hence, he prayed for quashing of the final report as against the petitioners.

4. Though notice was served on the second respondent and her name is printed in the cause list, none has entered appearance for her.

5. The Learned Government Advocate appearing for the first respondent would submit that the points raised by the petitioners that the version of defacto complainant is improbable, it cannot be decided in a quash



petition and has to be raised only during trial. Further, the de-facto complainant was injured. Hence, he prayed for dismissal of the quash petition.

6. On a reading of the final report, this Court finds that the marriage between the first accused and the second respondent / defacto complainant took place in the year 1999. The only allegation against the first petitioner is that she had abused the defacto complainant in the year 1999, because the jewels brought by her fell short of what was demanded by her. Thereafter, it is seen that the defacto complaint and the first accused were living together and girl child was also born out of their wedlock. It is seen further from the final report that the first accused allegedly had extra marital affair with several women and the defacto complainant was aggrieved due to the said fact. There is no other allegation against the petitioners. The allegation against the petitioners relates to an occurrence in the year 1999. The complaint leading to the filing of the impugned final report was filed only in the year 2018. The complaint itself is barred by the limitation, besides the fact that the petitioners are sought to be implicated on vague allegations. Hence, this court is of the view that the proceedings against the petitioners is an abuse of process of law.



Crl.O.P.No.16062 of 2021

WEB COPY

7. For all the above reasons, the impugned final report deserves to be quashed in respect of the petitioners alone. Accordingly, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

**20.03.2023**

Index: Yes/No  
Speaking / Non Speaking Order

Nti



WEB COPY



Crl.O.P.No.16062 of 2021

**SUNDER MOHAN, J**

nti

To

- 1.The Additional Mahila Court at Magisterial level, Tiruvannamalai.
2. The Inspector of Police,  
All Women Police Station,  
Tiruvannamalai District.
3. The Public Prosecutor,  
High Court of Madras.

Crl.O.P.No.16062 of 2021



WEB COPY



CrI.O.P.No.16062 of 2021

20.03.2023