



Crl.O.P.No.17232 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17232 of 2023

and

Crl.M.P.Nos.11135 & 11137 of 2023

1.Mr.Jayachandran

2.Mrs.Baby

.. Petitioners

Vs.

1.State represented by
Inspector of Police,
T-1, Ambattur Police Station,
Chennai.

2.Mrs.Bhuvana

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records pending on the file of the Judicial Magistrate, Ambattur in C.C.No.64/2022 and quash the same.

For Petitioners : Ms.R.Angalaparameswari

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
(For R1)



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ORDER

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This petition has been filed to quash the proceedings in C.C.No.64 of 2022 on the file of Judicial Magistrate, Ambattur.

2. The case of the prosecution is that the daughter of the 2nd respondent married A1 on 19.10.2018 and she also became pregnant. It is alleged that the A1 was putting pressure on his wife to get a property transferred in his name. He has also sent back his wife to her parents House in this regard. On 18.01.2020 at about 12:00 noon, the 2nd respondent and her daughter had come to the matrimonial home and at that point of time, A1 is said to have abused them in filthy language and also attacked them. It is further alleged that A2 and A3 who are the father and mother of A1 also instigated to commit the offence. Based on this complaint given by the 2nd respondent, an F.I.R came to be registered in Crime No.96 of 2020 for offence under Sections 294 (b), 323, 354, 506 (ii) of I.P.C.

3. The investigation was completed and a final report was filed before the Court below against three accused persons and the Court below has taken the same on file in C.C.No.64 of 2022 after taking cognizance of the



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offence, for which, the F.I.R was registered. Aggrieved by the same, the petitioners (A2 and A3) have filed this quash petition.

4. Heard Ms.R.Angalaparameswari, learned counsel for the petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor for the 1st respondent.

5. This Court carefully went through the final report and also the statements recorded from the witnesses. This Court also went through the statement given by the 2nd respondent before the respondent Police on 23.01.2020. It can be seen that no overact has been specifically attributed as against A2 and A3, except for general allegations made against them. In fact, the 2nd respondent has requested the names of A2 and A3 to be dropped and that she wants to prosecute the case only as against A1, who actually committed the offence.

6. Taking into consideration the facts and circumstances of the case and also the specific stand taken by the 2nd respondent before the Court and after considering the materials available on record, this Court finds that the



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continuation of the criminal proceedings as against the petitioners will lead to an abuse of process of Court, which warrants interference of this Court in exercise of its jurisdiction under Section 482 of the Criminal Procedure Code.

7. In the light of the above discussion, the proceedings in C.C.No.64 of 2022 on the file of the Judicial Magistrate, Ambattur is quashed in so far as the petitioners, A2 and A3 are concerned. The Court below is directed to proceed further with the case as against A1 and the proceedings shall be completed within a period of three months from the date of receipt of a copy of this order.

8. In the result, the Criminal Original Petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

04.08.2023

Speaking order: Yes/No
Neutral citation: Yes/No
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WEB COPY To

- 1.The Judicial Magistrate,
Ambattur.
- 2.The Inspector of Police,
T-1, Ambattur Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.



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N.ANAND VENKATESH, J

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