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Crl.O.P.No.16812 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.16812 of 2021

1. M.S. Adhisankaran

2. Pakkiriammal

3. M.Ram Prabhu

4. M.S.Arivoli

... Petitioners

/vs/

State by

1. State represented by

The Inspector of Police,
W-8, All Women Police Station,
Thirumangalam,
Chennai
(in Cr.no.12 of 2018)

2. P.M.Manipriya

... Respondents

Prayer : Criminal Original Petition has been filed under section 482 of Cr.P.C. to call for the entire records and quash the proceedings/charge sheet in C.C.No.3386 of 2021 pending on the file of the Chief Metropolitan Magistrate, Egmore, Chennai u/s. 498A, 417, 406 and 506(i) IPC and Section 4 of Dowry Prohibition Act.



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For petitioners ... Mr. D. Ashok Kumar

For Respondents ... Mr. V.J.Priyadarsana
Government Advocate (crl.side)
for R1

... Mr. M. Ganesh, for R2

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.3386 of 2021 pending on the file of the Chief Metropolitan Magistrate, Egmore, Chennai.

2. The learned counsel for the petitioner submitted that the marriage between the first petitioner and the defacto complainant/2nd respondent is admitted one. But the 2nd petitioner Pakkiriammal and 3rd petitioner Ram Prabhu and 4th petitioner, Arivoli are not connected with the allegations of demanding of dowry as stated by the defacto complainant. When the alleged occurrence took place at Chennai, on 01.05.2017 at about 11.30 am, they were residing at Cuddalore. In the reply notice, there is no such allegations as against the petitioners with regard to demanding dowry from the defacto complainant. Under these circumstances, false allegations had been raised by



the defacto complainant only for the purpose of criminal case. Hence, seeks to quash the case .

3. The learned Government (Crl. Side) appearing for the first respondent and the learned counsel appearing for the 2nd respondent/defacto complainant submitted that now, the case been ripe for trial and before the trial court, defacto complainant was examined as P.W.1 and the case is posted for cross examination.

4. I have considered the matter in the light of the submissions made by the learned counsel for the parties and perused the materials on records.

5. On perusal of the final report, it reveals that the respondent police relied upon eight witnesses. On perusal of the statement of the defacto complainant, it is seen that the defacto complainant had specifically stated that on 01.05.2017, at about 11.30 a.m., the 2nd petitioner/Pakkiriammal, 3rd petitioner/Ram Prabhu, 4th petitioner/Arivoli came to her house and humiliated her and threatened that she should not live with her husband unless she got money and also four acre of land from her father. Under these circumstances, though the petitioners are denying the allegation and no such



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type of allegations had been mentioned in the reply notice, the fact has to be decided by the Trial Court by considering the evidence produced by the prosecution. It does not meet the parameters laid down by the Hon'ble Supreme Court in the following cases:

(i) *R.P.Kapur Vs. The State of Punjab* reported in *AIR 1960 SC 866*

(ii) *State of Haryana & Ors. Vs. Ch.Bhajan Lal & Ors.* reported in *AIR 1992 SC 604*

(iii) *M/s.Neeharika Infrastructure Pvt. Limited Vs. State of Maharashtra & Ors. reported in 2021 SCC Online SC 315*

Hence, I find no reason to quash the criminal proceedings and I find no merit in the criminal original petition and hence, it is liable to be dismissed.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed. The Trial Court is directed to dispose the case within a period of four months from the date of receipt of a copy of this order.

Index : Yes/No
Internet: Yes/No

11.08.2023

mrp

To



CrI.O.P.No.16812 of 20__

1. The Chief Metropolitan Magistrate,
Egmore, Chennai .

2. The Inspector of Police,
W-8, All Women Police Station,
Thirumangalam,
Chennai



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V.SIVAGNANAM, J.

mrp

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