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Crl.OP.No.18427 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.18427 of 2022

and

Crl.M.P.No.12151 of 2022

1.M.Santhanakrishnan
2.H.Gowthami

... Petitioners

Vs.

1.The State represented by
The Inspector of Police,
W-34, Ennore All Women Police Station,
Ennore,
Chennai – 600 057.

2.R.Sridevi

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for records relating to the C.C.No.464 of 2021 on the file of the learned Judicial Magistrate Thiruvottiyur and quash the same by allowing this Criminal Original Petition.

For Petitioners	: Mr.Muruganandan
For R-1	: Mr.S.Santhosh
	Government Advocate (Criminal Side)
For R-2	: Mr.G.Anbuchezeiyan



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ORDER

This Criminal Original Petition is filed for quashing the C.C.No.464 of 2021 on the file of the learned Judicial Magistrate Thiruvottiyur.

2. The learned counsel for the petitioners submitted that in the complaint, First Information Report and even in the Statement of the defacto-complainant, no specific allegation of overtact had been attributed against the petitioners with regard to the alleged cruelty committed by them against the defacto complainant.

3. He further submitted that it is clear from the complaint that the defacto complainant inserted two lines to allege that the petitioners have caused cruelty against the her. However, nothing is said about the petitioners in the body of the complaint. Thus, learned counsel for the petitioners prayed for quashing of the proceedings in C.C.No.464 of 2021.

4. On the other hand, learned Government Advocate (Criminal Side) opposed this petition, on the ground that allegations made against the petitioners



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are with regard to dowry harassment and cruelty. Therefore, he prays for dismissing this petition.

5. The learned counsel for the 2nd respondent is also present and opposed this petition.

6. Considered the rival submissions and perused the materials placed on record filed in support of this petition.

7. On going through the complaint given by the defacto complainant, it is seen that most of the allegations are only against her husband and mother-in-law. However, there are specific allegations made against her father-in-law in the 161(3) CrPC Statement of defacto complainant stating that her husband, father-in-law and mother-in-law had scolded her and caused mental cruelty against her. It is also stated in the complaint and also in her 161(3) CrPC Statement that her father-in-law and sister-in-law demanded jewellerys and harassed her. She seeks action not only against her husband and mother-in-law, but also against her



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father-in-law and sister-in-law. The allegations made in the complaint and statement of defacto complainant are enough to frame charges against the petitioners for the offence Section 498A of IPC.

8. This Court, at this stage cannot go into the truth or falsity of the allegations made in the complaint and statement. We have to take the allegations in the First Information Report and the statement as true. When taking the allegations made against the petitioners as true, this Court is of the view that there are materials available to frame charges against the petitioners under Section 498(A) of IPC. In such view of the matter, Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

9. However, the Trial Court is directed not to take into consideration any of the observation made in this Court, while disposing the case and take decision independently on the basis of evidence available. Considering the age of the 1st petitioner and claim of the 2nd petitioner that she is living far away from the Jurisdiction of the Court, this Court directs that the personal appearance of the



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petitioners may be dispensed with, except for the framing of charges, questioning under Section 313 CrPC, date of delivery of Judgment and as and when required by the learned Trial Judge. On other occasions, petitioners should make arrangements for representing them through their learned counsel, without fail.

10.01.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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G.CHANDRASEKHARAN,J.

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To

1.The Judicial Magistrate Thiruvottiyur

2.The Inspector of Police,
W-34, Ennore All Women Police Station,
Ennore,
Chennai – 600 057.

3.The Public Prosecutor,
Madras High Court.

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