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CrI.O.P.No.18958 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

CrI.O.P.No.18958 of 2019 and
CrI.M.P.No.9668 of 2019

S.Ravi @ Ravi Sankar

... Petitioner / accused No.4

Vs.

1.The Inspector of Police,
All Women Police Station,
Vaniyambadi,
Vellore District.

2.Nivetha

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings in C.C.No.82 of 2019 on the file of the learned Judicial Magistrate Court, Vaniyambadi and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.T.Dharani
For Respondents : Mr.A.Gopinath,
Govt. Advocate (CrI.Side) for R1
No appearance for R2



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ORDER

This Criminal Original Petition has been filed to call for the records relating to the proceedings in C.C.No.82 of 2019 on the file of the learned Judicial Magistrate Court, Vaniyambadi and quash the same by allowing this Criminal Original Petition.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the first respondent.

3. The petitioner is the fourth accused. The second respondent defacto complainant who is the wife of the first accused has given a complaint by alleging that herself and her mother was physically and emotionally harassed and verbally abused by the accused. After registering the case, investigation has been done and charge sheet has been filed against the accused for the offences under Sections 498(A), 323, 506(2) & 294(b) of IPC.

4. The learned counsel for the petitioner submitted that the petitioner is the brother of the third accused who is the mother-in-law of the second respondent; in a family dispute between the second respondent and her husband, the petitioner has been dragged unnecessarily; even in the complaint,



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there is no specific allegations as against the petitioner and he has been implicated in the case because he happened to be a relative of the husband of the second respondent; the defacto complainant did not appear before the Social Welfare Officer, though she had alleged the allegations of dowry demand in her complaint; since the materials does not disclose any case against the petitioner, the case against him should be quashed.

5. It is seen that the complaint has been given by the second respondent by alleging that her husband and his parents had subjected her to mental cruelty right from the day of marriage and they have also demanded Rs.10,00,000/- as dowry and Rs.3,00,000/- for purchasing a car. A matrimonial dispute is also pending between the second respondent and the first accused and according to the submission of the learned counsel for the petitioner that the matrimonial dispute has also ended in a compromise and decree of divorce has been passed on 04.02.2020.

6. On perusal of the records, it is seen that on 21.01.2018 the petitioner has also accompanied the other accused to the parents house of the second respondent and they had abused herself and her mother and they also assaulted them. Even according to the statement of witnesses including the



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defacto complainant, it is seen that the allegation of abusing the defacto complainant and her mother in filthy language was not done by this petitioner.

The further allegation is that the petitioner had also joined along with the other accused and assaulted them. So far as the allegation of assault is concerned, it is a generalised allegation and did not have any details. It might be true that the petitioner might have accompanied the accused 1 to 3 to the house of the second respondent on the day of occurrence, but it is seen that the allegation of assault made against this petitioner is bit exaggeration and it might be obviously due to the hatred and grudge that the second respondent had with the husband and in-laws.

7. Since the petitioner is not a family member of the defacto complainant and the first accused and he just accompanied them, I feel it is unnecessary to subject him under the ordeal of trial. Since the materials does not disclose any strong case against the petitioner, there is every likelihood for the petitioner to get acquitted even if he subjected to trial. Due to the above stated reasons, I feel it is unnecessary to fix the petitioner in this case and it is appropriate to invoke the jurisdiction of this Court under Section 482 of Cr.P.C., to quash the proceedings as against this petitioner.



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8. In the result, this Criminal Original Petition is allowed and the proceedings in C.C.No.82 of 2019 on the file of the learned Judicial Magistrate Court, Vaniyambadi is quashed. Consequently, connected miscellaneous petition is closed.

10.01.2023

Index: Yes/No
Speaking / Non Speaking Order
gsk

To

- 1.The Inspector of Police,
All Women Police Station,
Vaniyambadi,
Vellore District.
- 2.The Judicial Magistrate Court,
Vaniyambadi.
- 3.The Public Prosecutor,
High Court, Madras.

R.N.MANJULA, J.

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