



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.21559 of 2019

And

Crl.M.P.No. 11173 of 2019

Nagaraj

... Petitioner/Accused -4

Vs

1. State By
Inspector of Police
All Women Police Station
Perur, Coimbatore.
Crime No.07 of 2016

...Respondent/Complainant

2. Nithya

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records related to the case in C.C.No. 34 of 2016 on the file of the learned Additional Mahile Court, Magistrate Level, Coimbatore and quash the same.

For Petitioner : Mr. P.Anandhakumar
for Mr.R.Thamarai Selvan

For 1st Respondent : Mr.A.Damodaran
Additional Public Prosecutor



WEB COPY



2

For 2nd Respondent: Mr.T.S.Kani

ORDER

This Petition is to quash the final report for the offences under Sections 498(A), 406, 506(i) read with 109 IPC.

2. It is alleged in the final report that the first accused married the second respondent on 22.05.2011; that on demand, the second respondent's parents paid a dowry of Rs.five lakhs and 50 sovereigns of gold jewels; that 10 sovereign of gold was given to the first accused; that the first accused lived with the defacto complainant only for two days and thereafter had harassed the defacto complainant; that the first accused had caused the harassment only at the instigation of the accused Nos. 2 and 3.

3. The learned counsel for the petitioner would submit that the petitioner, arraigned as A-4, is the brother of the first accused and has nothing to do with the marriage between the first accused and the second respondent. The allegations even if accepted to be true do not constitute any of the offences alleged. There is no allegation that the petitioner had demanded dowry. Even in the impugned final report, it is stated that at the instigation of the



accused Nos. 2 and 3, the first accused demanded dowry and caused cruelty in connection with the said demand.

4. The learned counsel for the second respondent / defacto complainant would submit that there are allegations in the impugned final report and the points raised by the petitioner has to be adjudicated only during trial.

5. The learned Additional Public Prosecutor reiterated the said submissions and prayed for dismissal of the quash petition.

6. This Court finds that the allegation is that the first accused/husband of the second respondent lived with the second respondent only for two days and thereafter he had on the instigation of the accused Nos. 2 and 3 demanded more dowry and caused cruelty. There is absolutely no allegation against the fourth accused even with regard to the alleged instigation. The fourth accused is the first accused's brother and is living separately. This Court is of the view that the impugned proceedings initiated at the instance of the defacto complainant is to only wreak vengeance on the petitioner. The Petitioner is sought to be implicated even though there are no allegations against him.



WEB COPY

7. For all the above reasons, this Criminal Original Petition is allowed and the impugned final report in C.C.No. 34 of 2016 on the file of the learned Additional Mahile Court, Magistrate Level, Coimbatore is quashed as against the petitioner. Consequently, connected Miscellaneous Petition is closed.

29.03.2023

vsg

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1. Additional Mahila Court, Magistrate Level, Coimbatore.
2. The Inspector of Police
All Women Police Station
Perur, Coimbatore.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



5

SUNDER MOHAN. J.

vsg

**Crl.O.P.No.21559 of 2019
And
Crl.M.P.No. 11173 of 2019**

29.03.2023