



Crl.O.P.No.1528 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1528 of 2023 and
Crl.M.P.No.868 of 2023

- 1.Nirmal
2. Chinnammal
3. Periyasamy

... Petitioners

Vs.

1. The State Represented by
The Inspector of Police,
Valapadi Police Station,
Salem District.

2. Hemamalini

...Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records of the final report in C.C.No.135 of 2022 on the file of the District Munsiff cum Judicial Magistrate, Vavlapadi and quash the same.

For Petitioners : M/s.S.Vinodha

For R1 : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records of the final report in C.C.No.135 of 2022 on the file of the District Munsiff cum Judicial Magistrate, Valappadi and quash the same.

2. The learned counsel for the petitioners submitted that false complaint was given against the petitioners by the first petitioner's wife (second respondent / defacto complainant namely Hemamalini). On the basis of the said complaint, the first respondent filed a final report against the petitioners. The first petitioner is a Government Servant and he is working in Survey Department and because of the pendency of the case, he is facing harassment. Thus learned counsel for the petitioner prayed for quashment of proceedings in C.C.No.135 of 2022 on the file of the District Munsiff cum Judicial Magistrate, Valappadi.

3. In reply, learned Government Advocate appearing for the first respondent submitted that on the basis of the complaint given by the second respondent FIR was registered for the offence under Section 498 (A), 323, 506(1) of IPC against five accused namely one Nimal, Chinnammal,



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Periyasamy, Kasiyammal and Ravi. After investigation, the respondent Police had filed a final report only against one Nimal, Chinnammal and Periyasamy. It is alleged in the complaint and statement of witnesses that accused had harassed the second respondent by demanding dowry and they also made death threat against the second respondent. There are materials availbaled to frame charges against the petitioners for the offence under Section 498 (A), 323, 506(1) of IPC.

4. Considered the rival submissions made by the learned counsel appearing for the parties and perused the materials available on record.

5. It is seen from the FIR allegations that the marriage between the first petitioner and second respondent was celebrated on 06.03.2020. After marriage, the first petitioner had not shown any interest to have sexual relationship with the second respondent. He openly told the second respondent that he is impotent and if she reveals this to anyone, he would kill her. He also harassed her by saying that the second respondent had illicit intimacy with others. He demanded the house in the name of her father to be transferred to his name. His mother also demanded the house and also 25



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Sovereigns of gold. Accused Periyasamy also joined with both accused. On 14.12.2020, the first petitioner tried to strangle her and kill her. She was admitted at hospital. In the said circumstances, complaint was given. As stated earlier, though there were five named accused in the FIR, final report was filed only against three.

6. The second respondent, her father and mother were shown as witnesses 1, 2 and 3 they supported the complaint allegations in their statements. Their statements are supported by the statements of witnesses Thangamani, Murugesan and Gunasekaran. Thus, from the complaint allegations, the statements of above said witnesses, this Court finds that there are materials available to frame charges against the petitioner for the offence u/s 498 (A), 323, 506(1) of I.P.C. And to proceed with this case. This Court finds that there is no merits in this petition. Accordingly, this Criminal Original petition is dismissed. Consequently, connected miscellaneous petition is closed.

27.01.2023

Index :Yes/No

rap/sma

Neutral Citation Case: Yes/No



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G.CHANDRASEKHARAN, J.

rap

To

1. The Inspector of Police,
Valapadi Police Station,
Salem District.
2. The Public Prosecutor,
High Court of Madras.

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