



*Crl OP No. 32708 / 2019*

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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RESERVED ON 15.03.2023  
PRONOUNCED ON 17.03.2023

CORAM :

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

Criminal Original Petition No. 32708 of 2019  
and  
Crl.M.P. Nos. 18043 & 18044 of 2019

1.Dr.Mustaq

2.Mrs.Nabeesa @ Roja

... Petitioners

Versus

1.Mrs.Nathiya Banu

2.Khaleel Rahman

3.Abdul Rahman

4.Samsad Rahman

5.Reshman Rahman

6.Shajahan Vava Hussain

7.Zainab Rahman

8.Zainuk Majeela Rahman

9.Sultan Najmudeen

10.Mariam Rahman

11.Stanely Shamu

12.Dr.Mohamed Kassim Rahman

13.Mohammed Iqbal

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the



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Criminal Procedure Code seeking to call for the records and quash all proceedings in C.C. No.3689 of 2019 on the file of the XVIII Metropolitan Magistrate, Saidapet in so far as the petitioners are concerned.

For Petitioners : Mr. N.A. Nasir Hussain for  
Mr. N.A. Nissar Ahmed

For Respondents : Mr. J. Chelladurai for R1.

R2 to R13 dispensed with.

### **ORDER**

This Criminal Original Petition has been filed to quash the C.C. No.3689 of 2019 on the file of the XVIII Metropolitan Magistrate, Saidapet for the offences under Sections 498 A, 321, 334, 120 B & 503 of the Indian Penal Code.

2.The petitioners are arrayed as A13 and A14 in the impugned complaint. The second petitioner is the sister of the complainant's mother in law. The first petitioner is her husband. They are permanent residents of Parangipettai. In the impugned complaint, the first respondent has made various allegations against her husband and the other relatives of the husband alleging that they had demanded dowry and they had caused cruelty in connection with the dowry demand.



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3.The learned counsel for the petitioners submitted that the only allegation against the petitioners who are distant relatives of the husband of the complainant is stated in Paragraph No.6 of the complaint which reads as follows;

*“The complainant states that later when her father in law came to Chennai he took her parents to Parangipettai where he had arranged a feast and after the feast was over he had asked her father to transfer half of his properties in The complainant's name or his son's name. Dr.Mustaq & Mrs.Nabeesa (a) Roja also forced The Complainant's father to transfer his properties in The Complainant's name or her husband's name.”*

The learned counsel for the petitioners further submitted that only on the basis of these bald allegations, the petitioners who are aged persons have nothing to do with the matrimonial relationship with the complainant or her husband, have been implicated. The alleged dowry demand, even assuming to be true was made in the year 2015. Thereafter, the complainant and the first petitioner went to Malaysia and



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lived there. The allegation is that her husband used to go out with his friends and come home late in an inebriated condition on a regular basis.

All other allegations thereafter, are all against the husband. The allegations against the petitioners have been invented only for the purpose of arm-twisting the husband viz., the first accused.

4. Heard the learned counsel for the petitioners and the learned counsel for the first respondent.

5. The only allegation against the petitioners who are aged 74 and 66 respectively is that they along with the in-laws forced the complainant's father to execute the property in the name of the complainant or the first accused. There is no other allegation against the petitioners herein except for this vague allegation of an incident which is said to have taken place at the time of marriage. The petitioners had no role in the marriage between the complainant and her husband. Thereafter, the complainant and the first accused lived together in various places and the entire complaint speaks about the events that had happened during the subsistence of marriage between the complainant and the first accused. The reading of the complaint discloses that the



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allegations against the petitioners have been made only with the intention of harassing them in order to armtwist the first accused and to wreak vengeance on him.

6.This Court had quashed the proceedings against A2 to A11 in Crl.O.P.No. 19723 of 2020 on the ground that the proceedings against A2 to A11 have been instituted with an ulterior motive for wreaking vengeance on the accused by relying on the Judgment of the Hon'ble Apex Court in *“Bajanlal Vs. State of Haryana”* reported in *“(1992) SCC Crl. 426”*. The allegations against the petitioners are less severe than against A2 to A11. The reasons given by this Court for quashing the proceedings against A2 to A11 are applicable to the petitioners as well. The impugned complaint is an abuse of process of law and the same cannot be sustained against the petitioners. Hence, the proceedings against the petitioners are liable to be quashed.

7.Accordingly, this Criminal Original Petition stands allowed and the impugned proceedings in C.C. No.3689 of 2019 on the file of the XVIII Metropolitan Magistrate, Saidapet is hereby quashed as against the petitioners. Consequently, the connected Miscellaneous Petitions are



closed.

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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**17.03.2023**

**SUNDER MOHAN, J**

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To

The XVIII Metropolitan Magistrate,  
Saidapet, Chennai.

Crl.O.P. No. 32708 of 2019  
and  
Crl.M.P. Nos. 18043 & 18044 of 2019



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