



CRL.O.P.No.32260 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL.O.P.No.32260 of 2019
and Crl.M.P.Nos.17710 and 17711 of 2019

1.V.Shantharam
2.Revathi
3.Ramalingam
4.Poonatha
5.Rajendran
6.Pappu
7.Murugesan
8.Muthu
9.Vivek
10.Thiruvengadam
11.Thenarrasu

... Petitioners/Accused 1 -11

Vs.

V.Devi

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case in C.C.No.976 of 2019 on the file of the Judicial Magistrate - I, Erode District on the file of the respondent police and quash the same.



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For Petitioners : Mr.A.Natarajan
Senior Counsel for
M/s.A.Kalanidhi

For Respondent : Mr. C.S.Saravanan

ORDER

The petition is to quash the private complaint for the alleged offences under Sections 120 (b), 147, 148, 427, 294 (b), 323, 354, 355 and 506(ii) of the Indian Penal Code.

2. It is alleged in the private complaint that the complainant is the mother of the first petitioner herein; that he had neglected to take care of her; that on account of the same, there were disputes and; that hence the other petitioners who are the wife of the petitioner and her other relatives had abused the complainant in filthy language and caused hurt to her.

3. Mr. A. Natarajan, the learned Senior Counsel for the petitioners would submit that the reading of the complaint, would show that the dispute is primarily with regard to non-maintenance of the respondent by



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the first accused; that the first accused is prepared to pay maintenance in terms of the order passed in M.C.No.24 of 2010 on the file of the Family Court, Erode; that the first petitioner has been paying maintenance regularly; that in any event, if there are any arrears in respect of the previous period, the first petitioner would pay the said amount in three instalments and complete it within a period of three (3) months from today and hence, he prayed for the quashing of the private complaint

4. Mr. C.S.Saravanan, the learned counsel for the respondent/complainant would submit that though the dispute is primarily with regard to maintenance of the respondent, the allegations would suggest that the offences are made out as against the petitioners and hence, the matter has to be adjudicated only before the Trial Court and he prayed for the dismissal of the quash petition.

5. This Court, on reading of the impugned private complaint finds that there are twelve accused shown in the private complaint. The first accused is the son of the respondent, the second petitioner/second accused is the wife of the first accused and daughter in law of the



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respondent and the other petitioners three to eleven are relatives of the second petitioner. The complaint also shows that the respondent had approached the Police and the Police had not taken any action on the complaint. The reading of the complaint shows that the respondent is primarily aggrieved by the fact that she has not been maintained properly by the first accused. The allegations do not suggest that the alleged offences have been made out. The petitioners are sought to be implicated only because of the above said grievances. Hence, this Court is of the view that the said grievance has to be addressed. Though it appears that the respondent was admitted in hospital, this Court is of the view that it cannot be attributed to the petitioners.

6. The learned Senior Counsel for the petitioners fairly submitted that if there are any arrears of maintenance, he would settle the same within a period of three (3) months from today; that it is an admitted position that from the date of an order passed by the Family Court, there are no arrears except for few months, during the time of Corona Pandemic.



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7. This Court is of the view that the first petitioner shall pay maintenance of the arrears as determined by the Family Court, Erode within a period of three (3) months in three (3) instalments and shall continue to pay the determined amount in future.

8. In view of the above, this Court is inclined to quash the impugned complaint. However, if the first petitioner fails to pay the arrears amount as undertaken by him, it is open to the respondent to approach this Hon'ble Court for seeking modification of the instant order for further remedy. Hence, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition are closed.

9. Post the matter under the caption for “ Reporting Compliance” after three months.

19.06.2023

Index : Yes/No
NCC : Yes/No
dk



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SUNDER MOHAN,J.

dk

To

The Judicial Magistrate - I
Erode District.

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