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Crl.O.P.No.20845 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.11.2022

PRONOUNCED ON : 02.01.2023

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mr.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.20845 of 2005

AND

Crl.M.P.No.6063 of 2005

- 1.A.Panneerselvam
- 2.A.Rajasekaran
- 3.A.Baskaran
- 4.B.Kanchana
- 5.A.Saraswathi
- 6.G.Arumuga Gramani
- 7.Tamilselvi
- 8.C.Udhayasooriyan

.. Petitioners

Vs.

- 1.The State rep. by
The Inspector of Police
All Women Police Station
Thiruvallore

- 2.Sriranjani
[R2 impleaded as per order
of this Court dt.03.07.2006]

.. Respondents



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Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records relating to C.C.No.330 of 2005 on the file of the Court of the Judicial Magistrate No.II, Thiruvallore and quash the same.

For Petitioner : Mr.M.Vinoth Kumar
For 1st Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor
For 2nd Respondent : Mr.G.Jeremiah

ORDER

P.N.PRAKASH, J.

For the sake of convenience, the parties will be referred to by their respective names.

2. Panneerselvam (A1) got married to Sriranjani (*de facto* complainant) on 11.03.2001 and through the wedlock, they have a son Tharoon Raj, who was born on 14.08.2002 and is now 20 years old. Alleging that her husband and in-laws inflicted cruelty on her, Sriranjani gave a police complaint, based on which, a case in Tiruvallur AWPS Crime No.3 of 2005 was registered on 26.02.2005 and after completing the investigation, the police filed a final report in C.C.No.330 of 2005 in the



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Court of the Judicial Magistrate No.II, Tiruvallur, for the offences under Sections 498-A and 406 IPC and Section 4 of the Dowry Prohibition Act, against the petitioners herein, for quashing which, the petitioners/accused have filed the present quash petition under Section 482 Cr.P.C.

3. When this criminal original petition came up for admission on 19.10.2005, a learned Single Judge of this Court, in Crl.M.P.No.6063 of 2005 in Crl.O.P.No.20845 of 2005 granted interim stay of two weeks. Thereafter, this case, which would have been heard by a learned Single Judge of this Court, travelled to a Division Bench, on the ground that the issue involved in this petition, is covered by a Division Bench order of this Court in W.P.No.31420 of 2005 (*S.V.Ramamoorthy Vs. The Secretary to Government of Tamil Nadu - order dated 28.04.2006*).

4. This quash petition was heard by a Division Bench of this Court on 06.09.2006 and the following order was passed :

“2.The issue involved in this petition is squarely covered by the judgment of the Division Bench of this Court, to which one of us (A.P.Shah, C.J.) was a party, in W.P.No.31420 of 2005 (S.V.Ramamurthy Vs. The Secretary to Government of Tamil Nadu



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and Others - order dated 28.04.2006) and the accompanying writ petitions. The Special Leave Petition filed against the aforesaid Division Bench judgment has been dismissed by the Supreme Court - vide order dated 19.06.2006 in S.L.P.(Civil) No.9807 of 2006. The Supreme Court, while dismissing the Special Leave Petition, requested this Court to dispose of all the petitions of similar nature as expeditiously as possible.

In view of the above, the petition is dismissed. Connected Crl.M.P.Nos.6063 and 8639 of 2005 are closed.”

The petitioners took the matter to the Supreme Court in Criminal Appeal No.1168 of 2007 and the Supreme Court set aside the order dated 06.09.2006 and remanded the matter to this Court *vide* order dated 05.09.2007.

5. By an administrative order dated 11.03.2008, passed by the Hon'ble Chief Justice, this petition was directed to be listed before a Division Bench presided by Hon'ble Justice F.M.Ibrahim Kalifulla. Thereafter, by an another administrative order dated 10.07.2014, passed by the Hon'ble Acting Chief Justice, the matter was directed to be listed before the Division Bench having criminal roster. Strangely, from 2014 to 2022, the case bundle did not surface and only now, the same has been posted for hearing before us.

6. On 04.11.2022, we passed the following order :



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“This case is of the year 2005 which has gone upto the Supreme Court and has been remanded.

Today, Mrs.Sumathi, Sub Inspector of Police, Thiruvallur, is present.

Ms.S.Bhuvaneshwari, the learned counsel submitted that Mr.D.Sadhasivan, the counsel on record for the petitioner is no more.

Mr.G.Jeremiah, learned counsel on record for the de facto complainant-Sriranjani also submitted that he has no papers relating to this case.

We, therefore, furnished the copies of the petition and typed set of papers to Ms.S.Bhuvaneshwari, learned counsel for the petitioners and Mr.G.Jeremiah, the learned counsel for the 2nd respondent/de facto complainant as well to Mr.R.Muniyapparaj, learned Additional Public Prosecutor for the 1st respondent/complainant.

The Registry is directed to put a note as to whether the records of this case in C.C.No.339 of 2005 on the file of the Judicial Magistrate-II, Tiruvallur, are available in this court or not.

The Police are directed to produce A.Panneerselvam (A1) and Mrs.Sriranjani (de facto complainant) before this court on the next date of hearing.

Post this matter on 11.11.2022.”

7. Today, when the matter was taken up for hearing, Ms.K.Sumathi, Special Sub-Inspector of Police, AWPS, Tiruvallur and Mr.Gurumoorthy, father of Sriranjani are present.

8. On instructions, Mr.R.Muniyapparaj, learned Additional Public



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Prosecutor submitted that A.Paneerselvam (A-1), A.Rajasekaran (A-2), A.Saraswathi (A-5) and G.Arumuga Gramani (A-6) have died and only A.Baskaran (A-3), B.Kanchana (A-4), Tamilselvi (A-7) and C.Udhayasooriyan (A-8) are alive. He also submitted that Sriranjani initiated proceedings under the Domestic Violence Act, 2005 (in short “the DV Act”) in C.M.P.No.2886 of 2014 in the Court of the Judicial Magistrate No.II, Tiruvallur, against her in-laws, after the death of her husband Paneerselvam (A-1) on 19.03.2013, alleging that the stridhana properties are unlawfully retained by her in-laws.

9. Mr.Gurumoorthy submitted that in lieu of stridhana properties, a payment of Rs.2,20,000/- was made to Sriranjani on 25.04.2018. It appears that the proceedings under the DV Act has also culminated.

10. We carefully perused the final report and the accompanying documents. We find that the main allegations in this case are only against Paneerselvam (A-1) and his parents *viz.*, Saraswathi (A-5) and Arumuga Gramani (A-6). Admittedly, these accused are no more. There are no *prima*



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facie materials against the others viz., Baskaran (A-3), Kanchana (A-4), Tamilselvi (A-7) and Udhayasooriyan (A-8), for the prosecution to proceed.

In the result, this criminal original petition is allowed and the prosecution in C.C.No.330 of 2005 on the file of the Judicial Magistrate Court No.II, Tiruvallur, is quashed as against Baskaran (A-3), Kanchana (A-4), Tamilselvi (A-7) and Udhayasooriyan (A-8). Connected Miscellaneous Petition stands closed.

[P.N.P., J.] [G.C.S., J.]

02.01.2023

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To

1.The Judicial Magistrate Court No.II
Tiruvallur

2.The Inspector of Police
All Women Police Station
Thiruvallore

3.The Public Prosecutor
Madras High Court
Chennai

P.N.PRAKASH, J.
AND

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