



Crl.O.P.(MD)No.198 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.03.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE **R.THARANI**

Crl.O.P.(MD) No.198 of 2021

and

Crl.M.P.(MD)No.56 of 2021

Ishwarya

... Petitioner / Accused No.4

Vs.

1.The State rep. by

The Inspector of Police

All Women Police Station,

Nagercoil,

Kanyakumari District.

(In Crime No.10/2019)

... 1st respondent / complainant

2. Divya

... 2nd respondent / defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records of the impugned charge sheet in C.C.No. 116 of 2020, on the file of the Additional Mahila Court (Magisterial Level), Nagercoil, Kanyakumari District, and quash the same as illegal in respect of the petitioner.



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For Petitioner : Mr.L.George Paul Anto

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side) for R1

: No appearance for R2

ORDER

This petition is filed to quash the charge sheet in C.C.No.116 of 2020, on the file of the Additional Mahila Court (Magisterial Level), Nagercoil, Kanyakumari District.

2. On the side of the petitioner, it is stated that the second respondent filed a case against the petitioner - A4 and three others in Crime No.10 of 2019, on 04.04.2019, on the file of the first respondent for an offence punishable offences under Sections 498(A), 406, 294(b) I.P.C and Sections 4 & 6 of Dowry Prohibition Act.

3. The allegation by the defacto complainant is that the accused Nos.1 to 3 demanded dowry and they harassed the defacto complainant and threatened the defacto complainant stating that A1 is going to marry the petitioner - A4. A private complaint was filed before the Additional Mahila Court (Magisterial Level), Nagercoil, Kanyakumari



District, under Section 56 of Cr.P.C. On direction by the lower Court, the respondent police registered this case. Subsequently, after investigation, the first respondent filed a charge sheet against A1 to A3 and the same was taken on file in C.C.No.116 of 2020 against A1 to A4.

4. Though no charge sheet was filed against the petitioner-A4, the Magistrate took cognizance of the case against the petitioner- A4 also. The petitioner is not a relative of the defacto complainant's husband, she was no way connected with the alleged offence and prayed the charge sheet against the petitioner to be quashed.

5. On the side of the petitioner, it is stated that even in the 161 statement of the defacto complainant, she has admitted that the present petitioner has committed no offence. In the 161 statement of the defacto complainant's father, it was stated that by editing a photograph taken in a function, they created a false photograph, as if A1 and A4 were standing together and by using the photo, they filed a false case against the petitioner- A4. On the basis of the 161 statements, the first respondent deleted the name of the petitioneA4 in the charge sheet.



6. On the side of the prosecution, it is stated that the name of the petitioner- A4 was already deleted in the charge sheet. But by mistake, the lower Court has taken the case on file against the petitioner – A4 also and the prosecution has no objection in allowing this petition.

7. Records perused. Copy of the 161 statement of the defacto complainant and the others verified. Copy of the charge sheet was also verified. It is seen that the name of the petitioner – A4 was already deleted by the police and the charge sheet was filed only against A1 to A3. The allegation against the petitioner is that she is going to marry A1. Considering all these aspects, it is decided that the petition is to be allowed and the case against the petitioner – A4 in C.C.No.116 of 2020, is to be quashed.

8. The Additional Mahila Court (Magisterial Level), Nagercoil, Kanyakumari District, is directed to delete the name of the petitioner - A4 and to proceed with the case against A1 to A3. This petition is allowed. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Ls

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To

- 1.The Additional Mahila Court (Magisterial Level),
Nagercoil,
Kanyakumari District.
2. The Inspector of Police
All Women Police Station,
Nagercoil,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.THARANI. J.

Ls

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