



Crl.O.P.(MD)No.4851 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **23.03.2023**

CORAM:

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

Crl.O.P.(MD) No.4851 of 2020
and
Crl.M.P.(MD)Nos.2794 & 2795 of 2020

Rajendran

... Petitioner/ Accused No.2

Vs.

1.State rep. by

The Inspector of Police,
All Women Police Station,
Kuzhithurai,
Kanyakumari District.

(Crime No.11 of 2011)

... 1st respondent / complainant

2.P.Beula Kingslin Joylet

... 2nd respondent /defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the proceedings in C.C.No.351 of 2018, on the file of the Judicial Magistrate No.II, Padmanabhapuram and to quash the same in respect of the petitioner.

For Petitioner : Mr.K.P.Narayanakumar

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



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ORDER

This petition is filed to quash the proceedings in in C.C. No.351 of 2018, on the file of the Judicial Magistrate No.II, Padmanabhapuram.

2. The allegation against the petitioner is that the petitioner and others committed an offence punishable under Sections 420, 498(A) of I.P.C and Sections 3 and 4 of Dowry Prohibition Act. It is stated that the third and fourth accused approached the defacto complainant's family and misrepresented that the first accused had completed the course of Priest and obtained licence from the Government. Believing the words of the accused Nos.3 and 4, the defacto complainant consented for the marriage with the first accused. On the demand of the accused, Rs.50,000/- was paid as cash and house hold articles worth Rs.1,00,000/- were also given to the couple. The marriage was solemnized on 29.08.2007 at the AG Church. After the marriage, all the accused demanded additional dowry and a house to conduct prayer, subsequently, the first accused deserted the defacto complainant and he refused to give back the dowry amount and the house hold articles. Hence, a case in Crime No.11 of 2011 was registered under Sections 420, 498-A of I.P.C and Sections 3 and 4 of Dowry Prohibition Act.



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3. On the side of the petitioner, it is stated that the first accused is the husband, second accused is the father-in-law of the defacto complainant and the third and fourth accused are the Pastor and his wife, who conducted the marriage between the first accused and the defacto complainant. The petitioner is A2 and that he is no way connected with the dispute between the husband and wife. The petitioner is a senior citizen, aged about 65 years, undergoing treatment for various ailments. There is no specific allegation against the petitioner, in the 161 (3) statement recorded by the defacto complainant. The petitioner is living separately and the defacto complainant and her husband were living at the house of the defacto complainant, then, they are living separately. The ingredients under Section 405 of I.P.C was not complied and the offence under Section 406 of I.P.C is not made out against the petitioner and the case is to be quashed against the petitioner.

4. On the side of the prosecution, it is stated that whether the petitioner is having involvement in the case can be decided only after the completion of the trial and prayed the petition to be dismissed.



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5. A perusal of the copy of the 161 statement of the defacto complainant reveals that the defacto complainant and her husband were living with the father of the defacto complainant and not with the petitioner. The petitioner is residing in Kabisthalam at Thanjavur District, whereas, the defacto complainant and her husband were living in Pandaravilai, Kanyakumari District, with the father of the defacto complainant. Subsequently, the defacto complainant and her husband lived in V.K.Puram.

6. It is seen that the case against the third and fourth accused was already quashed by this Court. In the complaint it was mentioned that a sum of Rs.50,000/- was taken away by the first accused and a sum of Rs.1,00,000/- was given for lease in the name of the defacto complainant. There is no specific allegation against the petitioner herein, except some vague averments.

7. In the above circumstances, it is decided that it is a fit case to quash the charge against the petitioner. The petitioner is discharged



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from the charges in C.C.No.351 of 2018, on the file of the Judicial
Magistrate No.II, Padmanabhapuram. This Petition is allowed.

Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
Ls

23.03.2023

To

1. The Judicial Magistrate No.II,
Padmanabhapuram
- 2.The Inspector of Police,
All Women Police Station,
Kuzhithurai,
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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