



Crl.O.P(MD).No.5809 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.04.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

Crl.O.P(MD).No.5809 of 2020

and

Crl.M.P.(MD)No.3160 of 2020

1.Jayaseeli

2.Jayarani

...Petitioners

Vs

1.The State represented by,
The Inspector of Police,
All Women Police Station,
Vallam,
Thanjavur District.
(Crime No.3 of 2019)

2.A.Gokila

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records and quash the chargesheet in C.C.No.25 of 2020 on the file of the learned Judicial Magistrate No.II, Thanjavur, Thanjavur District as against the petitioners herein.

For Petitioners

: Mr.K.Veilmuthu

For 1st Respondent

: Mr.M.Sakthi Kumar

Government Advocate (Crl. Side)

ORDER

This petition is filed to quash the FIR in C.C.No.25 of 2020 on the file of the learned Judicial Magistrate No.II, Thanjavur, Thanjavur District.



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2.The allegation against the petitioners is that the first petitioner is the mother of A1 and the second petitioner is the sister of A1. A1 divorced his wife Jona and there is no specific allegations against the petitioners in the final report. There was some dispute between A1 and the defacto complainant. He rejoined his first wife Jona. The second petitioner informed the second respondent regarding the misdeeds of A1. The second respondent initiated proceedings under the Protection of Women from Domestic Violence Act and she filed this present complaint in Crime No.3 of 2019 under Sections 420, 495, 495A and 506(i) of IPC.

3.On the side of the petitioners, it is stated that pursuant to the direction issued by this Court in Crl.O.P.(MD)No.10288 of 2019 dated 05.08.2019, a sum of Rs.5,00,000/- (Rupees Five Lakhs only) was deposited in the name of the minor daughter Ananya. There was no averment that the defacto complainant was subjected to cruelty. The final report does not disclose any independent act of cruelty. No specific incidents of harassment was mentioned. In the misunderstanding between the husband and the wife, the relatives are roped into the criminal case. The provision of Section 128 of IPC was abused by the second respondent. The second petitioner is living separately. The first petitioner died during the pendency of this case.



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4. On the side of the prosecution, it is stated that the first petitioner failed to take care of the defacto complainant during her pregnancy. The allegation against the petitioners is that the second petitioner and her mother has not provided food properly for the defacto complainant. The first petitioner compelled the defacto complainant to swallow some tablet stating that it will be good for the child. Except these allegations, there is no specific allegation against the petitioners.

5. Considering the facts and circumstances, considering the overt act against the petitioners, it is decided that the case against the petitioners alone is to be quashed.

6. With the above direction, this Criminal Original Petition is allowed and the case in in C.C.No.25 of 2020 before the learned Judicial Magistrate No.II, Thanjavur, Thanjavur District against the petitioners is hereby quashed. Consequently, connected miscellaneous petition is closed.

27.04.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
Mrn

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R. THARANI,J.

Mrn

To

- 1.The Judicial Magistrate No.II,
Thanjavur,
Thanjavur District
- 2.The Inspector of Police,
All Women Police Station,
Vallam,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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