



CrI.O.P(MD).No.6835 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 24.04.2023

Delivered On : 06.06.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

CrI.O.P(MD).No.6835 of 2020

and

CrI.M.P.(MD)No.3406 of 2020

Mohammed Abdul Khader

...Petitioner

Vs

1.State rep. by,
Inspector of Police,
AWPS Tiruchendur,
Thoothukudi District.
2.S.S.Mariyam Suhaina

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records to the Crime No. 17 of 2018 on the file of the first respondent Police.

For Petitioner	: Mr.H.Arumugam
For 1 st Respondent	: Mrs.M.Aasha Government Advocate (CrI. Side)
For 2 nd Respondent	: Mr.R.Velmurugan

ORDER

This petition is filed to quash the FIR in Crime No.17 of 2018, on the file of the first respondent police.



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2.The case against the petitioner is that the marriage between the petitioner and the defacto complainant took place on 23.06.2012 in accordance with islamic custom and tradition prevailing at Kayalpattinam. Three children were born. The petitioner was working in Singapore and he lastly visited India in April 2016. Thereafter, he did not talk with the defacto complainant and declined to receive her calls. The accused demanded additional dowry of 25 sovereigns of gold and Rs.1,00,000/- (Rupees One Lakh only) cash. A case in Crime No.17 of 2018 was registered against the petitioner under Section 498A of IPC and Section 4 of Dowry Prohibition Act.

3.On the side of the petitioner, it is stated that the defacto complainant is very keen in bringing the petitioner from abroad. The petitioner and his family members were following the culture and customs of islamic religion whereas the defacto complainant differs and she is acting against the customs of Islam. As per the custom and tradition among the islamic resident of kayalpattinam, the bridegroom shall go to the bride's house and he will be separated from his paternal home and he will settle in the bride's home including changing the name from the family card. The defacto complainant cannot make a complaint against any one of the members of the husband. The defacto complainant herself has admitted that the complainant and the petitioner were living in the house provided by her parents. She herself has



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admitted that the petitioner is receiving a salary of Rs.4,00,000/- (Rupees Four Lakhs only) per month. The allegation that A1 to A4 were demanding Rs. 1,00,000/- as additional dowry is nothing but a cooked up story. The petitioner is regularly transferring money to the account of the defacto complainant. It is false to state that the petitioner has not sent any money in fact the money credited through NEFT by the defacto complainant was returned and she has refused to receive the amount sent through money order. In the covid situation, the petitioner was not in a position to travel from Singapore and the police are harassing him and the first respondent is insisting the petitioner to appear in person and prayed the FIR to be quashed.

4.On the side of the prosecution, it is stated that the petitioner and others demanded Rs.1,00,000/- (Rupees One Lakh only) cash and 25 sovereign of gold as additional dowry. The petitioner is the main accused. He failed to maintain the wife and children. He failed to come for enquiry before the Social Welfare Officer.

5.On the side of the defacto complainant, it is stated that whether the petitioner demanded dowry is the matter for trial. The petitioner has already filed a petition in Crl.O.P.(MD)No.3741 of 2020 and the same was dismissed



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To

- 1.The Inspector of Police,
AWPS Tiruchendur,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R. THARANI,J.

Mrn

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