



Crl.O.P(MD)No.11580 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2023

CORAM:

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD)No.11580 of 2021

and

Crl.M.P(MD)No.5908 of 2021

1. Anantha Krishnan

2. Murugaiah

3. Mariammal

.. Petitioners/Accused Nos.1 to 3

Vs.

1. The Sub Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
(Cr.No.172 of 2021)

.. 1st Respondent/Complainant

2. Mani

.. 2nd Respondent/ Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the proceedings of the First Information Report in Crime No.172/2021 on the file of the 1st respondent police and quash the same as against the petitioners herein.

1/6



Crl.O.P(MD)No.11580 of 2021

For Petitioner : Mr.K.P.Narayanakumar
For R1 : Mr.M.Muthumanikkam
Government Advocate(Criminal Side)
For R2 : Mr.M.Jerin Mathew

ORDER

The petitioners/A1 to A3 have filed this petition to quash the Crime No.172/2021 pending on the file of the first respondent police, wherein they are said to have been committed the offence under Sections 294(b), 352 and 506(i) IPC.

2. The case of the prosecution is that the 1st accused is the son-in-law of the de-facto complainant and the 2nd and 3rd accused are the parents of the 1st accused. Marriage between the defacto complainant's daughter and the 1st petitioner/1st accused was solemnized on 03.03.2014. At the time of marriage, 100 gms of gold, Rs.10,000/- cash and household articles worth about Rs.2 lakhs were given as dowry and also he assured to give another 50 gms of gold after marriage. Thereafter, the accused persons started harassing the de-facto complainant's daughter demanding



CrI.O.P(MD)No.11580 of 2021

50 gms of gold and a house property owned by the de-facto complainant as additional dowry and deserted her, while she was 6 months pregnant. Subsequently, she was blessed with a female child on 04.12.2014. Thereafter, the 1st petitioner filed divorce petition and obtained divorce decree from the Court of law. After getting divorce, he prolonged to give jewels and Sridhana articles to her. While so, on 06.07.2020 at about 11.00 a.m, the de-facto complainant along with one Mariappan went to the petitioners' house and demanded Sridhana articles, at that time, the accused persons abused him using filthy language and assaulted him and also threatened him with dire consequences. Though complaint was made before the 1st respondent police, they have not chosen to register the case. Hence, the de-facto complainant lodged a private complaint before the learned Judicial Magistrate, Tenkasi and the same was registered in Crime No.172 of 2021 for the offence punishable under Sections 294(b), 352 and 506(i) IPC.

3. When the matter is taken up for hearing today, the learned Government Advocate (Criminal side) submitted that the above case in



CrI.O.P(MD)No.11580 of 2021

Crime No.172 of 2021 was enquired and closed as 'mistake of fact' and the closure report was also filed before this concerned jurisdictional Court.

4. Recording the submission made by the learned Government Advocate (Criminal side), this Criminal Original Petition stands closed. Consequently, connected miscellaneous petition is closed. The learned counsel for the second respondent submitted that he is not aware of the above closure of the case and hence, he seeks liberty to agitate the issue before the jurisdictional Court for which the learned counsel for the petitioners/A1 to A3, on instructions, stated no objection. Further, the defacto complainant is entitled to challenge the closure report as per law. Hence, liberty is granted to the second respondent to work out his remedy in the manner known to law. The learned Government Advocate(Criminal side) is directed to serve a copy of the closure report to the learned counsel for the second respondent.

21.04.2023

NCC : Yes/No
Internet: Yes/No
Index : Yes/No
PJL



Crl.O.P(MD)No.11580 of 2021

WEB COPY

To

1. The Sub Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P(MD)No.11580 of 2021

K.K.RAMAKRISHNAN,J.

PJL

Crl.OP(MD)No.11580 of 2021
and
Crl.M.P(MD)No.5908 of 2021

21.04.2023