



*CrI.O.P.(MD)No.14564 of 2023*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.10.2023**

CORAM

**THE HON'BLE MR.JUSTICE G.ILANGO VAN**

**CrI.O.P.(MD)No.14564 of 2023**

**and**

**CrI.M.P(MD) No.11488 of 2023**

Mathan Prabu

... Petitioner / Accused No.5

Vs.

1.The Inspector of Police,  
All women Police Station,  
Madurai South, Madurai.  
(In Crime No:7/2023)

2.Sathya

...Respondent / Complainant

**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to FIR in Crime No.7/2023, dated 16.02.2023 on the file of the 1<sup>st</sup> Respondent and quash the same in so far as the petitioner alone.

For Petitioner : Mr.G.Hariharan

For Respondent : Mr.M.Sakthi Kumar,  
Government Advocate (CrI.Side).



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## **ORDER**

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This Criminal Original Petition has been filed to call for the records pertaining to FIR in Crime No.7/2023, dated 16.02.2023 on the file of the 1<sup>st</sup> Respondent and quash the same in so far as the petitioner alone.

### **2.The case of the prosecution in brief:**

The defacto complainant lodged a complaint stating that the marriage took place between her and the first accused namely Muralidas on 19.02.2018. At that time of marriage, she was provided with sufficient seervarisai, jewellery, etcetera. But later, the husband and other in-laws harassed her, demanding more dowry, over which, she gave a complaint on 21.10.2019 before the respondent Police, that was enquired in CSR No.387 of 2019, in that enquiry, her husband and other in-laws gave an undertaking that they will not make any trouble to her. She was taken to her matrimonial home. Later also, the very same harassment continued. She was taken to her parental home and abandoned. So again, another complaint was given on 28.11.2019, again the first accused made undertaking to take her back, but he failed. So, she filed H.M.O.P. No.



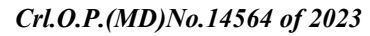
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461 of 2021, seeking restitution of conjugal rights. On 04.12.2022 at about 8.00 p.m., all the accused persons came to her house, picked up quarrel, assaulted and abused her in filthy language. Based upon the above said occurrence, she lodged a complaint, over which, a case in Crime No.7 of 2023 was registered for the offences punishable under Sections 498(A), 406, 294(b) and 506(i) of IPC against the petitioner and others. Pending investigation, seeking quashment of the same, the accused No.5 has filed this petition, on the ground that on 04.12.2022, he was in Singapore, arrived India only on 17.12.2022.

3. Heard both sides.

4. Considering the limited aspects, notice was not issued to the second respondent.

5. To prove that on the date of alleged occurrence, this petitioner was not in India, copy of the Passport is produced. As stated in the complaint, it is seen that on 04.12.2022, she was alleged to have been assaulted. It is the issue between the husband and wife. This petitioner is



6. The honourable Supreme Court reported in **Preeti Gupta & Anr**  
**te of Jharkhand & Another**, as indicated that implicating in-laws  
matrimonial issue between the husband and wife must be carefully  
red. In this case also, the above said facts and circumstances clearly  
ates that the petitioner is no way involved in the above said issue.  
is petition is liable to be allowed.



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7. In the result, the Criminal Original Petition stands allowed and the entire proceedings in Crime No.7 of 2023, pending on the file of the 1<sup>st</sup> respondent police is hereby quashed in respect of the petitioner. Consequently, the connected Miscellaneous Petition is closed.

**05.10.2023**

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

Indu

**TO**

- 1.The Inspector of Police,  
All women Police Station,  
Madurai South, Madurai.
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**G.ILANGO VAN,J.**

Indu

Order made in  
**Crl.O.P.(MD)No.14564 of 2023**

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