



Crl.O.P.No.2351 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2024

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.2351 of 2022
and
Crl.M.P.Nos.1042 & 1044 of 2022

1.Senthil @ Devendiran
2.Parvathi
3.Mala Venkatesan
4.Mohana

... Petitioners

Versus

1.State rep. by,
The Inspector of Police,
W-25, All Women Police Station,
T-Nagar, Chennai.
(Crime No.4 of 2019)

2.L.Vaidehi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to call for the records in C.C.No.889 of 2020 on the file of the XVII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioners : Mr.K.R.Rameshkumar
For R1 : Mr.S.Vinoth Kumar
Government Advocate (Cr.Side)



CrI.O.P.No.2351 of 2022

ORDER

WEB COPY This petition has been filed to quash the proceedings in C.C.No.889 of 2020 on the file of the XVII Metropolitan Magistrate, Saidapet, Chennai, in which cognizance was taken for the offences under Section 155(2) Cr.P.C.r/w 494 and 109 of IPC, against the petitioners.

2. The 1st petitioner is the husband of the 2nd respondent. As per the direction of the Court, both the 1st and 2nd respondents appeared before this Court. According to the 2nd respondent, the petitioner and his family members harassed her, and she was forcibly sent out from the matrimonial home during the year 2005, even after the birth of the male child. Her in-laws and her husband did not take her back to the matrimonial home, despite her efforts. She filed a petition for divorce in O.P.No.1283 of 2006 on 24.05.2006, which was dismissed in the year 2013. Subsequently, she came to know that her husband got married and begot a girl child in the year 2018. Therefore, she lodged a complaint against her husband and in-laws. The 1st petitioner/husband submits that all those years he was waiting for a reunion, but she failed to reconcile, and therefore, their marriage was performed.



3. As per the petitioner's contention, their matrimonial life since 2005 has been tumultuous, and now she is employed at NIOT National Institute of Ocean Technology. All these years, she did not take steps for reunion, though she filed a counter. Now, she has filed a complaint against the second marriage of her husband and alleged harassment and dowry demands by her in-laws (2 to 4). As rightly pointed out by the counsel for the petitioner, nearly 15 years later, she filed a complaint for dowry harassment. Admittedly, she left the family in 2005 and filed the complaint after 15 years. Therefore, there is no basic ingredient and no valid reason on the side of the respondent to initiate proceedings under Section 498(A) after such a long time. Therefore, the proceedings initiated under Section 498(A) are ordered to be quashed.

4. In spite of the second marriage, there is contention on the side of the respondent. After the dismissal of the divorce petition, he got married, and he is entitled to proceed with the offense under Section 494 against the 1st petitioner alone. Therefore, the proceedings initiated against the 2nd, 3rd, and 4th petitioners are ordered to be quashed. The de facto complainant is entitled to proceed against the 1st petitioner under Section 494 of IPC. The 1st petitioner is entitled to put forth all the defense before the trial Court.



WEB COPY



Crl.O.P.No.2351 of 2022

T.V.THAMILSELVI, J.

rri

5. Accordingly, this Criminal Original Petition is Partly allowed.

Consequently, the connected Miscellaneous petitions are closed.

27.02.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation:Yes/No
rri

To

- 1.The XVII Metropolitan Magistrate, Saidapet,
Chennai.
2. The Inspector of Police,
W-25, All Women Police Station,
T-Nagar, Chennai.
(Crime No.4 of 2019)
- 3.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.2351 of 2022
and
Crl.M.P.Nos.1042 & 1044 of 2022