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CrI.O.P.No.8699 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.8699 of 2022

and

CrI.M.P.No.5062 of 2022

Senthilnathan

... Petitioner

Vs.

1.The Inspector of Police,
Pollachi All Women Police Station,
Pollachi.
Crime No.26 of 2010

2. Kavipriya

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to quash the charge sheet in CC.No.89 of 2017, dated 09.05.2017
on the file of the Judicial Magistrate No.1, Pollachi.

For Petitioner : Mr.B.Nedunzhelian

For R1 : Mr.S.Vinoth Kumar
Government Advocate (CrI.Side)



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ORDER

The petitioner has filed this petition to quash the charge sheet in CC.No.89 of 2017, dated 09.05.2017 on the file of the Judicial Magistrate No.1, Pollachi.

2. The case of the prosecution is that the petitioner married the defacto complainant on 10.06.2005. Due to matrimonial dispute the defacto complainant filed HMOP.No.127 of 2012, under Section 13(1)(ia) & (ib) of the Hindu Marriage Act for divorce on the file of the Family Court, Coimbatore, and the same was dissolved on 30.10.2013.

3. The learned counsel for the petitioner submitted that the petitioner is the husband of the defacto complainant / R2. The defacto complainant has already given a complaint against the petitioner and his parents. The case against the parents of the petitioner was split up and taken up in C.C.No.372 of 2012 against his parents. Trial was conducted in C.C.No.372 of 2012 wherein the defacto complainant appeared and gave evidence that no such harassment was made against her and she turned a hostile, based on her evidence, the learned trial Judge acquitted his parents. He further submitted



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that the evidence given by PW1 / defacto complainant shows that no such harassment was made. Hence, he prays to quash the proceedings in C.C.No.89 of 2017.

4. The learned Government Advocate (Crl. Side) appearing for the 1st respondent submitted that the petitioner / husband of the defacto complainant harassed the defacto complainant at abroad. The learned trial Judge split up the case and conducted the trial against her father-in-law and mother-in-law in C.C.No.372 of 2012, wherein the defacto complainant turned hostile, based on that the learned trial Judge acquitted her in laws.

5. On a perusal of the C.C.No.372 of 2012, it reveals that during trial the defacto complainant / R2 herein turned hostile and also stated that she received her 500 soverigns of Jewels from her in laws and also stated that there was no such harassment was made by the in-laws while she was living in the joint family. So facts reveal that already P.W.1 deposed that no such harassment was made by the family members of the petitioner and she has also received her Sreedhana article and P.W.1 evidence also reveals that no harassment was made by the in-laws.



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T.V.THAMILSELVI, J.

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6. Considering the facts and circumstances, there is no ingredient to attract the provisions of law, therefore this Court is inclined to quash the proceedings in C.C.No.372 of 2012, filed against the petitioner on the file of the Judicial Magistrate No.I, Pollachi is ordered to be quashed.

7. Accordingly, this Criminal Original Petition is allowed.
Consequently, connected miscellaneous petition is closed.

19.01.2024

Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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To

- 1.The Inspector of Police,
Pollachi All Women Police Station, Pollachi.
- 2.The Public Prosecutor, High Court of Madras.

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and Crl.M.P.No.5062 of 2022**