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Crl.O.P.No.6605 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2024

CORAM :

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

Crl.O.P.No.6605 of 2022

and

Crl.M.P.No.3751 of 2022

- 1.Ravichandiran
- 2.Chandira
- 3.Deepika

... Petitioners

Versus

- 1.State rep. by,
The Inspector of Police,
All Women Police Station,
Villianur, Puducherry.
Crime No.5 of 2019

- 2.Sreemathy

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to call for the records in C.C.No.548 of 2021 pending on the file of the Chief Metropolitan Magistrate, Puducherry and quash the same.



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For Petitioners

: Mr.M.Palanivel

For R1

: Mr.V.Balamurugane

Public Prosecutor (Pondicherry)

Assisted by M.N.Danalatchumy

For R2

: Mr.A.R.Suresh

Mr.K.S.Mohandass

Advocate Commissioner

: Mr.R.Thirumoorthy

ORDER

This petition has been filed to quash the proceedings in C.C.No.548 of 2021 pending on the file of the Chief Metropolitan Magistrate, Puducherry in which cognizance was taken for the offence under Sections 498(A), 324, 406, 294(B), 120(B), 506(ii) IPC r/w 34 IPC @ u/s 498(A), 406, 294(B), 120(B), 506(ii) IPC r/w 34 IPC and Sec.4 of Dowry Prohibition Act.

2. The case of the prosecution is the 1st and 2nd petitioners / A2 & A3 are the father-in-law and mother-in-law of the 2nd respondent / defacto complainant. The 3rd petitioner / A4 is the sister in law of the 2nd respondent. A1/ Dhinesh Raj is the husband of the defacto complainant. The petitioners along with A1 had subjected the defacto complainant to cruelty and harassed during her marital period by demanding more dowry and abused in filthy languages and threatened her with dire consequences of her life and also misappropriated her sridhana properties and gold items. Hence, the complaint.



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WEB COPY 3. The learned counsel for the petitioner submitted that the marriage took place between A1 and 2nd respondent on 21.04.2017 at Raja Thirumana Mahal, Villianur Bypass Road, Pondicherry, out of the wedlock, a female child was born. He further submitted that the based on the complaint given by the defacto complainant the respondent police had conducted enquiry and closed the complaint. Thereafter, the defacto complainant filed a petition under Section 156(3) CrPC before the learned Chief Judicial Magistrate, Puducherry in Crl.M.P.No.3071 of 2019. The learned trial Judge passed an order to direct the 1st respondent to conduct and enquiry and report. Thereafter, the respondent police registered the case against the petitioners and A1 / Dhinesh Raj under Sections 498A, 324, 406, 294(B), 120(B), 506(ii) IPC r/w 34 IPC in Crime No.05/2019 dated 04.12.2019. Subsequently, the sections were altered under Section 498(A), 406, 294(B), 120(B), 506(ii) IPC r/w 34IPC and Section 4 of Dowry Prohibition Act. The same has been reported before the learned trial Judge on 30.06.2021 by the 1st respondent. He also submitted that the petitioners are innocent and they have been falsely implicated in this case. The petitioners are never harassed the defacto complainant at any point of time and they are not demanding dowry from the defacto complainant. He further submitted that the petitioners



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returned the Jewels and Sreedhana Articles belongs to the defacto complainant and also there is no specific overt act against these petitioners.

Hence, he prays to quash the CC.No.548 of 2021, against the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that there was a matrimonial dispute among the petitioners & A1 and the defacto complainant. Due to the harassment and dowry demand of the petitioners, the defacto complainant lodged a complainant before the 1st respondent. Based on the complaint FIR was registered in Crime No.5 of 2019 and have been taken cognizance for the offences under Sections 498(A), 406, 294(B), 120(B), 506(ii) IPC r/w 34 IPC and Sec.4 of Dowry Prohibition Act.

5. During the pendency of the proceedings, the learned Advocate Commissioner was appointed “to take inventory of the articles in Bank locker stands in the name of A1 and 2nd petitioner with the help of bank officials, SBI Branch, Villiyanur, Pondicherry and identify the jewels and file a inventory report along with photographs before this Court on or before 26.02.2024.” On 21.02.2024 at 2.50 p.m., the learned Advocate Commissioner was opened the locker in the presence of Branch Manager, Cash Officer and parties with advocates, wherein one Tiffin Box, two small



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jewel boxes and one family partition document and Kalayan Jewellery Card were being kept in the locker. The jewels found in the locker was belonged to the mother-in-law of the defacto complainant and the defacto complainant also identified and admitted that Jewels kept in the locker was not belonged to her. The safe deposit locker account was opened in the name of Chandra on 11.01.2016 and later it was converted into joint account on the request from Chandra to add his son name Dinesh Raj /A1. Thereafter, the locker was operated by mother-in-law and her husband / A1 in joint account commenced from 15.04.2016. According to the defacto complainant, after the marriage all the jewels were kept in the Bank locker. But, the learned counsel for the petitioners submitted all her jewels and sreedhana articles were returned to the defacto complainant when she left her matrimonial home.

6. The defacto complainant and A1 appeared in person before this Court, and they have some telephonic conversations with regard to return of jewels. It can be proved only before the trial and they also raise all their defence before the trial Court. Hence, this Court declines to quash the proceedings in C.C.No.548 of 2021 pending on the file of the Chief Metropolitan Magistrate, Puducherry.



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T.V.THAMILSELVI, J.

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7. Accordingly, this Criminal Original Petition is dismissed. The Advocate Commissioner report shall form part and parcel of this order. Consequently, the connected Miscellaneous petition is closed.

26.02.2024

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

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To

1.The Inspector of Police,
All Women Police Station,
Villianur, Puducherry.
Crime No.5 of 2019

2.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.6605 of 2022
and
Crl.M.P.No.3751 of 2022