



Dated:01.10.2024

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

M.P.No.13646 of 2024

.. Petitioners/A1 to A6

..2nd Respondent/Defacto Complainant



Crl.O.P.No.24235 of 2024

WEB COPY

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records and quash the charges in C.C.No.2980 of 2023 on the file of XVIII Metropolitan Magistrate, Saidapet, Chennai in respect of the petitioners.

For Petitioners	:Mr.A.J.Mohamed Kassim
For R1	:Mr.K.M.D.Muhilan
	Govt.Advocate (Crl.Side)

ORDER

The respondent police registered the complaint of one Rani Praveen against these petitioners, who are prosecuted for the offences under Sections 498(A), 323 and 506(i) of IPC in C.C.No.2980 of 2023 on the file of XVIII Metropolitan Magistrate, Saidapet, Chennai.

2.The learned counsel appearing for the petitioners referring First Information Report and the statement of the complainant submitted that ingredient for offences under Sections 498(A) and 323 of IPC are not made out and there is no iota of material to prove the charges against the petitioners for these two offences. As far as the offence under Section



Crl.O.P.No.24235 of 2024

506(i) of IPC, a bald allegation of criminal intimidation is not sufficient to frame charge.

3.The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that the defacto complainant is the wife of the first accused/first petitioner. Rest of the petitioners are in-laws of the defacto complainant. After 10 years of marriage with the defacto complainant, the first petitioner had married another lady by name Saranya and thereafter, started neglecting the defacto complainant and also subjected her to cruelty. As per the complaint, jewells worth Rs.85,000/- was used by the frist petitioner/first accused to improve his business. In the complaint, the second respondent sought for interference of the police either to advice the first petitioner to join with her and her four year old daughter or to pay back Rs.85,000/- taken away from her.

4. The learned counsel appearing for the petitioners denying the factum of the second marriage and claiming that out of Rs.85,000/-, Rs.45,000/- has already been given to the complainant and therefore, the



Crl.O.P.No.24235 of 2024

complaint has to be quashed.

5. This Court on considering the rival submissions of the learned counsels on record finds that the defacto complainant is a physically challenged lady, who married the first petitioner 10 years ago having fallen in love with him. There is a four year old girl child born to them. With her jewel the first petitioner has started eatery shop and thereafter has developed intimacy with one Saranya, who was engaged by the first petitioner as a helper in his shop. The statement of the witnesses reveals desertion and cruelty. Want of wound certificate per se will not enure any benefit to the accused from getting discharged of offence under Section 323 of IPC. The evidence to be tested in the course of trial. Hence, this Criminal Original Petition to quash the charges in C.C.No.2980 of 2023 stands dismissed. Consequently, connected Miscellaneous Petition is closed.

01.10.2024

Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/no
ari



Crl.O.P.No.24235 of 2024

WEB COPY

To

- 1.XVIII Metropolitan Magistrate, Saidapet, Chennai.
2. The Inspector of Police, W-22, Mylapore Police Station,
Chennai 600 015.
- 3.The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.O.P.No.24235 of 2024

Dr.G. JAYACHANDRAN,J.

ari

Crl.O.P.No.24235 of 2024
and
M.P.No.13646 of 2024

01.10.2024