



CrI.O.P.No.16144 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM:

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

CrI.O.P.No.16144 of 2022
and CrI.M.P.No.9177 of 2022

Hameed Ali

... Petitioner

Versus

1.The State

Rep by the Inspector of Police,
W16, All Women Police Station,
Pulianthope,
Chennai-12.

2.Ms.Merliya Banu

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in C.C.No.44 of 2021 on the file of Additional Mahila Court, Egmore and Quash the same.

For Petitioner	:	Mr.S.Haja Mohideen Gisthi
For Respondent 1	:	Mr.S.Vinoth Kumar, Government Advocate (CrI. Side)
For Respondent 2	:	Mr.R.Thiagarajan



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ORDER

The petitioner has filed this Criminal Original petitions to quash the proceedings in C.C.No.44 of 2021 on the file of Additional Mahila Court, Egmore, in which cognizance was taken for the offence punishable under Sections 498(A), 506(2), 406 r/w 109 of IPC.

2. The de facto complainant is the first wife of the petitioner herein. On 09.09.2019, the petitioner married A2, who is his second wife. According to the de facto complainant, she got married to A1 on 18.08.2013. At the time of her marriage, her parents gave 100 sovereigns of gold and 1 kg of silver. Thereafter, A1 went to Riyadh, and subsequently, she was taken to Riyadh at the instruction of her mother-in-law. While in Riyadh, she became pregnant. Upon learning that the child was a female, A1 began to harass her and brutally attacked her on one occasion. She lodged a complaint in Riyadh, but it was not taken into consideration. On 08.03.2020, she gave a complaint to the police at AWPS, and based on that, an FIR was lodged. A final report was filed against all three accused persons under Sections 498(A), 506(2), 406 r/w



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109 of IPC. Challenging these proceedings, the petitioner approached this Court to quash the proceedings against him.

3. Based on an online complaint given by R2, Marliya Banu, from Saudi Arabia to W-16, Pulianthope Police Station, the inspector of Police registered an FIR on 18.03.2020 in Crime No.5 of 2020 for the alleged offences under Sections 498(A), 506(2), 406 r/w 109 of IPC against the petitioner and his mother. The same complaint was given to the Indian Embassy in Riyadh, which was closed by the officials as no prima facie case was made out. Subsequently, the respondent police has considered the same complaint, which was closed by the official of the Riyadh, which is an abuse of the process of law.

4. Further, the petitioner submitted that due to misunderstanding with R2, he made efforts to settle the issue, but they were not successful. He sent money to her account, which was not disclosed, and executed a mutual consent agreement, which was not honored. He claims that R2's attitude is only to harass him and his family members. Hence, he prays



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for the proceedings to be quashed.
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5. When the matter was taken up for hearing today A1 appeared before this Court and submitted that he has sent money to R2, the de facto complainant, through RTGS, and she and her father received nearly Rs. 35 lakhs. However, the de facto complainant, appeared in person before this Court, and submitted that she has not received a single rupee from A1. She also stated that once A1 learnt that she was going to have a female child, he brutally beat her at the instigation of her mother-in-law and harassed her in many ways. She further claimed that her 100 grams of gold jewellery are in the custody of A1 and his family members. This claim was strongly denied by A1 and his counsel, who stated that the jewellery is not in their custody. They also mentioned that the mother-in-law's jewellery was stolen, against which they recently lodged a complaint, and they do not possess any of the de-facto complainant's jewellery.

6. On seeing the fact that, as of now, the de facto complainant



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claims her 100 sovereigns of gold from A1 and her mother-in-law while the dispute between the parties is ongoing. Admittedly, A1 has now married A2 since the issues between A1 and the de facto complainant are not settled. When, A1 learnt that she was going to have a female child, from that, she was forcibly send out from Matrimonial home all these years she is standing before this Court. Therefore, I am not inclined to quash the proceedings in C.C.No.44 of 2021 on the file of the Additional Mahila Court, Egmore.

7. Both the parties are directed to come to India and co-operate with the trial proceedings as they have assured before this Court.

8. With the above directions, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

25.03.2024

Index: Yes/No
Internet: Yes/No
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T.V.THAMILSELVI, J.

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To

- 1.The Additional Mahila Court, Egmore.
- 2.The Inspector of Police,
W16, All Women Police Station,
Pulianthope,
Chennai-12.
- 3.The Public Prosecutor,
High Court of Madras.

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