



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2024

CORAM:

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

CRL.OP No. 9940 of 2022
CrI.MP. Nos. 5876 & 5878 of 2022

- 1 CHRISTOPHER RAJ
- 2 DOROTHY

...PETITIONERS

Vs.

- 1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION - EAST COIMBATORE
CITY CR. NO. 1/2021.
- 2 SUKANYA JASMINE

...RESPONDENT

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for the records and quash the Charge Sheet in C.C.No. 981 of 2022 on the file of the Additional Mahila Court (Magistrate Level) Coimbatore and pass such further or other orders as this Hon`ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioners : Mr.J.Antony Jesus
For R1 : Mr.S.Vinoth Kumar,
Government Advocate (Crl.side)
For R2 : Mr.N.Ponraj

**ORDER**

The petitioner herein filed this petition to call for the records and quash the Charge Sheet in C.C.No. 981 of 2022 on the file of the Additional Mahila Court (Magistrate Level) Coimbatore.

2. Based on the complaint given by the second respondent, the first respondent police filed a FIR under Section 498(A), 406 and 506(2) IPC and Section 66E of the information Technologies Act, 2000, in crime No. 4 of 2021. After investigation first respondent police filed a final report before the Additional Mahila Court, Coimbatore, and the same was taken on file in C.C No. 981 of 2022. Hence, the petitioners filed this petition to quash the C.C No. 981 of 2022.

3. The learned counsel for the petitioner submitted that case of the prosecution is that the defacto complainant/second respondent was married to one Charles Abraham, son of the petitioners 1 and 2 herein on 26.05.2016 and lived in Mumbai. During that time her husband used to say that she and one friend of her brother had intimate and tortured her and she was driven out of her matrimonial home in Mumbai and she came to Coimbatore with the help of her father's friend. Thereafter, she begotten child on 01.08.2017, after six months the petitioners' son came asked her come to Mumbai and lodged complaint before Peelamedu Police Station,



Coimbatore, and the police advised her and she went to his husband to Mumbai in the first week of March 2018 where she was beaten and sent to Coimbatore in the last week of 2018. Further, her husband's brother one Asir had displayed her photo with phone number in his Whatsapp profile with the caption call girl. Thereafter, on 21.10.2020, she, her father, mother, brother and uncle went to the house of her husband for demanding what is the way for future of her child, her husband, brother in law Asir and the petitioners herein, who were allegedly stopped her at the door and spoke ill of her and told her that they will deposit Rs.1 lakh in the name of child if she agreed for divorce and refused to give anything and threatened her. Based on the complaint respondent police lodged a FIR against the petitioners and their son. Further he submitted that the petitioners are father in law and mother in law of the defacto complainant, they were no way connected with this case but they were unnecessarily dragged into this case. In fact, the defacto complainant and her husband lived in Mumbai but the petitioners lived in Tamil Nadu at the time of alleged occurrence hence the petitioners have no chance to interfere with their life. Hence, he prays to allow this petition.

4. Heard both sides.



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5. When the matter was taken up for hearing on 13.02.2024, the petitioners and their son/defacto complainant's husband and the defacto complainant appeared before this Court, the defacto complainant stated that she was married the petitioners' son with 100 sovereigns of gold jewels and also Rs.20 lakhs give as Seethana but her husband denied all the allegations stating that all the jewels were kept in locker at Central Bank of India, Coimbatore, in joint account No. 3532650260. Thereafter, this Court directed the Manager of the said bank to produce the list of articles kept in the said account but there is no jewel in the said account. This court is not inclined to go to that matter which is a matter for trial.

6. On seeing the facts of the case, the complaint of the defacto complainant disclosed that after marriage she lived in Mumbai with her husband and her in-laws lived in Tamil Nadu. Hence there is less possibility for the involvement of this petitioners/in-laws in her life who are aged about more than 65 years and also there is no prime facie material against these petitioners that they have caused hindrance to the defacto complainant. Hence, the proceedings against the petitioners in C.C No. 981 of 2022 is hereby quashed.



7. Further, the first accused/husband has not yet paid any maintenance to the defacto complainant. Hence, the first accused is directed to pay a sum of Rs.15,000/- to the defacto complainant on the first week of every month from April 2024, until modified by Court of law.

8. In the result, this petition is allowed. No Costs. Consequentially, connected miscellaneous petition is closed.

19.03.2024

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To
The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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