



Crl.O.P.No.13840 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.13840 of 2022

and

Crl.M.P.No.7504 of 2022

M.Mohamed Farook

... Petitioner

Vs.

1.State rep. By

The Sub-Inspector of Police (L&O)

W-33, All Women Police Station,

Puzhal, Chennai-66.

Crime No.25 of 2021

2.Sabarnisha

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.350 of 2021 on the file of the District Munsif cum Judicial Magistrate, Madhavaram, Chennai-600 060 and quash the same.

For Petitioner : Mr.C.S.Dhanasekaran

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

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The petitioner has filed this petition to quash the C.C.No.350 of 2021 on the file of the District Munsif cum Judicial Magistrate, Madhavaram, Chennai-600 060, having been taken cognizance for the offences punishable under Section 498-A of IPC.

2. The case of the prosecution is that the petitioner is the father in law of the defacto complainant. As per instruction 1st accused was said to have beaten the defacto complainant and her children, driven them away and locked the house. On 13.10.2021 onwards defacto complainant and her child were not allowed to enter the house. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent person and he is no way connected with the alleged offence made by the prosecution. He further submitted that he is aged about more than 80 years and he is not able to look after himself without any assistant. He also submitted that except bald allegation, there is no specific allegation to attract the offence under Section 498(A) of IPC as against the petitioner. The petitioner is father-in-law of the second respondent/defacto



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complainant and there is no allegation levelled as against the petitioner in respect of demand of dowry. Therefore, the first respondent has not rightly charged the petitioner for the offence under Section 498(A) of IPC. He further submitted that there is no specific averments to attract the said offence. Hence, he prays to quash the CC against the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner is the father in law of the defacto complainant, who is arrayed as A2. After completion of investigation, the first respondent has filed a final report for the offence under Section 498(A) in respect of the petitioner.

5. Considering the facts and circumstance, and on a perusal of the Judgment in O.S.No.53 of 2023, it reveals that the defacto complainant and A1 both were appeared before the Family Judge, Madurai and their marriage was dissolved as per the provision under Order VII Rule 1 of CPC read with 2(iv)(viii) of Muslim Act. As well as, the child born to them is under the custody of the husband of the defacto complainant and also considering the

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age of the petitioner, this Court is inclined to quash the proceedings in
CC.No.350 of 2021 on the file of the District Munsif cum Judicial
Magistrate, Madhavaram, Chennai, in respect of the petitioner.

6. Accordingly, this Criminal Original Petition stands allowed.
Consequently, the connected miscellaneous petition is closed.

06.02.2024

Index: Yes/ No
Neutral Citation: Yes/No
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To

1. The Sub-Inspector of Police (L&O)
W-33, All Women Police Station,
Puzhal, Chennai-66.
Crime No.25 of 2021

2.The Public Prosecutor,
High Court of Madras.

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and Crl.M.P.No.7504 of 2022