



CrI.O.P.No.14799 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM:

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

CrI.O.P.No.14799 of 2022

and

CrI.M.P.No. 8204 of 2022

Prajeesh Raj

... Petitioner

Versus

1. State rep. by
The Inspector of Police,
All Women Police Station,
Perur, Coimbatore Dt.
(Crime No.3 of 2021)

2. Archana Raj

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the charge sheet in C.C.No. 1863 of 2021 on the file of Addl. Mahila Court, Coimbatore and quash the same.



Crl.O.P.No.14799 of 2022

For Petitioner : Mr.A.Ramkumar
For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side) for R1

Mr. Y.Camyles Gandhi for
Mr.P.Saravana Sowmiyan

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C. No. 1863 of 2021 on the file of Addl. Mahila Court, Coimbatore.

2. Heard both sides.

3. The petitioner is ranked as A2 in the F.I.R. in Crime No.3 of 2021 registered for the offence under Sec.498(A), 406, 506(1) of I.P.C. Subsequently, the charge sheet has been filed and the same was taken on file in C.C.No.1863 of 2021 on the file of Addl. Mahila Court, Coimbatore and the same is pending. Now, the petitioner had filed this petition praying to quash the said charge sheet.



CrI.O.P.No.14799 of 2022

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4. The learned counsel for petitioner would submit that the petitioner is brother of A1 and according to the 2nd respondent/defacto complainant, he has also joined with his brother and harassed her. In fact, he was not in India and he was employed with M/s.Vita International (Insurance Brokers) Limited, situated at Dubai, U.A.E. He would further submit that all the way, he has not come to Coimbatore nor anyway he interfered with the family affairs of brother, but he was falsely implicated. He would submit that on coming to know those facts, he came down to India on 10.02.2021. To support his contentions, he produced his passport and vehicle license issued by U.A.E. Accordingly, he prayed to quash the proceedings initiated against the petitioner.

5. Records perused. On perusal of records i.e. passport, vehicle license as well as statement of account, it reveals that he is having bank account maintained at U.A.E. and he has not stayed in India and he is staying at Dubai. Therefore, the allegations levelled against him as if he has also harassed the 2nd respondent/defacto complainant, which is not



Crl.O.P.No.14799 of 2022

acceptable one and there is no material ingredient to prosecute the petitioner under Sec.498 (A), 406 and 506(1) of I.P.C. Hence, I do not find any merit in the charge sheet initiated against the petitioner and the same is liable to be quashed. Accordingly, this Criminal Original Petition is allowed and the proceedings initiated against the petitioner in a charge sheet in C.C.No.1863 of 2021 on the file of Addl. Mahila Court, Coimbatore is quashed. Consequently, connected Criminal Miscellaneous Petition is closed.

6. Furthermore, today, when the matter taken up for hearing, A1 Prajeesh Raj, husband of 2nd respondent/defacto complainant appeared in person along with a demand draft for a sum of Rs.1,00,000/- towards part of arrears of maintenance to the children. The learned counsel for 2nd respondent wife would submit that there is arrears of maintenance around a sum of Rs.5,00,000/-, which was not settled by A1. After a long time, he appeared before this court. Hence, he prayed to direct A1 to pay the remaining arrears of maintenance. However, A1, father of minor children would submit that he is inclined to pay maintenance amount to the minor



Crl.O.P.No.14799 of 2022

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children. The learned counsel for 2nd respondent is directed to furnish the details of account number of minor children to A1. Accordingly, he is directed to pay a sum of Rs.20,000/- per month (Rs.10,000/- for each child) towards maintenance for minor children regularly from the first week of April 2024 onwards. Today, A1 paid a sum of Rs.1,00,000/- towards part of arrears of maintenance by way of demand draft drawn in favour of 2nd respondent/defacto complainant and the same was handed over to the counsel for 2nd respondent/defacto complainant.

12.03.2024

Index: Yes/No

Internet: Yes/No

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To

1. The Inspector of Police,
All Women Police Station,
Perur, Coimbatore Dt.
2. The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.14799 of 2022

T.V.THAMILSELVI, J.

rpp

CRL.O.P.No.14799 of 2022



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CrI.O.P.No.14799 of 2022

12.03.2024