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Crl.OP.No.13803 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.13803 of 2024

and

Crl.M.P.No.8408 of 2024

1. C.Kanaga Subramanian
2. Mrs. C.Vijaya
3. Mrs.K.Susilavanya
4. S.Kesavan

... Petitioners

Vs.

1. The Inspector of Police
W-14 All Women Police Station,
Thiruvottiyur,
Crime No.8 of 2022

2. Mrs.K.Bhavani

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to call for the records in proceedings C.C.No.3 of 2024 in connection with Crime No.8/2022 on the file of the Judicial Magistrate Court, Thiruvottiyur and quash the same.



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For Petitioner : Ms.R.Nirmala Devi

For Respondents : Mr.K.M.D. Muhilan
Government Advocate (CrI.side)
for R1

Mr.A.Muthuprakash, for R2

ORDER

The petition has been filed to quash CC No.3 of 2024 pending on the file of Judicial Magistrate, Thiruvottiyur.

2. The matrimonial dispute between the husband and wife as usual led to complaint for the offence under Section 498(A) besides Sections 323, 342, 406 of the Indian Penal Code and section 4 of the Dowry Prohibition Act.

3. The contention of the petitioner is that the husband of the petitioner, who is the first accused is in Abroad for his livelihood. The Defacto Complainant was with his mother but did not get on well with her mother-in-law and therefore, has left matrimonial home. Multiple complaints with all imaginary and fanciful allegations made against the



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husband, mother-in-law, sister-in-law and the husband of the sister-in-law.

4. The Police without proper investigation has filed the final report against the petitioners even without taking note of the dictum laid down by the Hon'ble Supreme Court that the in-laws of the Defacto Complainant should not be unnecessarily roped in without element of overt act.

5. The learned counsel submit that the petitioners 3 and 4, the sister-in-law and the husband of the sister-in-law both living in different place, however just to harass them, they have been roped in the complaint making unbelievable and untenable allegations.

6. The learned counsel appearing for the Defacto Complainant would submit that since the first petitioner was working Abroad on his insistence and on their own, the other petitioners were frequently torturing the defacto complainant. She had been brutally attacked causing severe injury and once the sister of the first accused tried to administer injection to endanger the Defacto Complainant's life.



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7. On perusal of the statement of the witnesses and the material, this Court finds that there is no material evidence to show the third and fourth petitioners herein were privy to the alleged cruelty or physical assault. However, against the second petitioner as well as the first petitioner /the husband and the mother-in-law, the material collected by the respondent Police substantially support the case of the complainant. But then, the statements of the witnesses particularly the Defacto complainant, who had narrated the cruelty, she suffered at the hands of third and fourth respondents cannot be ignored, but the veracity of those statements must be subjected to trial.

8. Hence this Court finds no reason to interfere with the trial in CC. No.8 of 2022. However, the Trial Court shall take note of the fact that the Criminal case pending for a long time need to be given quiteus earliest. Hence the trial has to be expedited and completed within a reasonable period.



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9. The Criminal Original Petition is disposed of with the above observation. Consequently, the connected miscellaneous petition is closed.

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jv

Index: Yes/No

Internet: Yes/No

To

1. The Judicial Magistrate Court,
Thiruvottiyur.
2. The Inspector of Police
W-14 All Women Police Station,
Thiruvottiyur,
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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Dr.G.JAYACHANDRAN,J.

jv

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