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Crl.O.P.No.20202 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.20202 of 2022
and
Crl.M.P.Nos.13282 & 13287 of 2022

S.Mangaiyarkarasi

... Petitioner

Vs.

1.State rep. by its
The Inspector of Police
All Women Police Station,
Panruti, Cuddalore District.
Crime No.6 of 2019

2.Sarguna

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the entire records in C.C.No.588 of 2019 pending on the file of the Additional Mahila Court, Cuddalore and quash the same.

For Petitioner : Mr.Krishnasamy Chinnasamy

For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

For R2 : Mr.M.P.Saravanan



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ORDER

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The petitioner has filed this petition to quash the C.C.No.588 of 2019 on the file of the Additional Mahila Court, Cuddalore, having been taken cognizance for the offences punishable under Section 498-A, 294(b) of IPC, 1860 and Section 4 of Dowry Prohibition Act, 1961.

2. The case of the prosecution is that the petitioner along with other accused persons unlawfully demanded dowry and harassed and abused the defacto complainant in filthy languages. Based on the complaint given by the de-facto complainant the respondent police registered FIR in Crime No.6 of 2019 and thereafter, charges have been framed in C.C.No.588 of 2019.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and she is no way connected with the alleged offence made by the prosecution. He further submitted that except bald allegation, there is no specific allegation to attract the offence under Section 498(A), 294(b) of IPC, 1860 and Section 4 of Dowry Prohibition Act, 1961 as against the petitioner. The petitioner is mother-in-law of the second respondent/defacto complainant and there is no allegation levelled as against



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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 prayed to quash the proceedings initiated against her.

4. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that the trial was commenced and P.W.1 to P.W.3 were examined and it is a case under Section 498A of IPC initiated against the petitioner.

5. Records perused. Admittedly, on seeing entire facts, it reveals that the family members having known very well about the facts as per the case of prosecution. On seeing the conduct of the petitioner, it needs detailed investigation. Hence, I do not find any irregularity in the charge sheet initiated by the 1st respondent police and the trial also commenced, at this stage, this Court is not inclined to quash the proceedings initiated against the petitioner. If at all, the petitioner wants to prove his innocence, liberty is granted to him to work out his remedy before the trial court. However, the petitioner is aged about more than 60 years, considering that the appearance of the petitioner



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T.V.THAMILSELVI, J.

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before the trial Court is ordered to be dispensed with and the petitioner is directed to appear if his appearance is necessary.

6. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected Miscellaneous Petitions are closed.

15.02.2024

Index: Yes/ No

Neutral Citation: Yes/No

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To

1. The Inspector of Police
All Women Police Station,
Panruti, Cuddalore District.
Crime No.6 of 2019

2.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.20202 of 2022

and

Crl.M.P.Nos.13282 & 13287 of 2022