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Crl.O.P.No.23615 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2024

CORAM :

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

Crl.O.P.No.23615 of 2022

1.Muthureddi
2.Devagi
3.Suresh @ Duraisamy
4.Dhakshinamoorthy

... Petitioners

Versus

Anjalai

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to call for the records relating to C.C.No.226 of 2019, pending on the file of the Judicial Magistrate Court, Thirukovilur, Villupuram and quash the same.

For Petitioners : Mr.C.Prabakaran
For Respondent : Notice Served

ORDER

This petition has been filed to quash the proceedings in C.C.No.226 of 2019, pending on the file of the Judicial Magistrate Court, Thirukovilur, Villupuram as against the petitioners, having been taken cognizance for the offences under Sections 498(A) IPC and Section 4 of the Dowry Prohibition



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Act in Crime No.21 of 2012.

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2. The case of the prosecution is that the defacto complainant has instituted a private complaint under Section 200 of Cr.P.C before the learned Judicial Magistrate, Thirukovilur, Villupuram District alleging that she had two daughters. One of her daughter namely Kalaiselvi was working in the grocery shop owned by the 1st and 2nd petitioners. At that time, the said Kalaiselvi fell in love with the 4th petitioner herein namely Dhakshinamoorthy and married him without the consent of the petitioner on 16.03.2011 in the Sub-Registrar Office, Saidapet and registered the same. Thereafter, they lived as tenant in the house of one Sekar at Thirukkashukkundram near Chengalpattu and they were blessed with two children. On 04.02.2012, the 3rd petitioner herein invited and took the 4th petitioner herein for his marriage. But, after a prolonged period, the 4th petitioner did not return to the aforementioned house. Therefore, the said Kalaiselvi went to the respondent's house at Keezhathazhanur. At that time, the said Kalaiselvi was harassed with dowry demands. Therefore, a complaint was lodged in All Women Police Station, Thirukovilur on 25.04.2012. The respondent further alleged that the 4th petitioner herein with words invited and took to his house. Thereafter, she was harassed with dowry demands there and she has informed the same through phone to the complaint. Later,



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on 28.02.2019, the defacto complainant's daughter Kalaiselvi allegedly died a mysterious death. When the respondent complainant enquired regarding the same with the neighbours, she was informed that her daughter was killed by the petitioners. When the complainant went to lodge a complaint about the same she was refrained by the 4th respondent. On 10.03.2019 at about 10.00 a.m., the petitioner allegedly came to the respondent's house and abused her with filthy words and threatened her with dire consequences. Regarding the same, a complaint was lodged by the respondent herein in the Thirukovilur Police Station. However, no action was taken on the same. Therefore, the respondent sent a representation to the Deputy Superintendent of Police, Thirukovilur and the District Superintendent of Police, Villupruam on 25.03.2019 and 30.03.2019 respectively. Thereafter, the above complaint came to be filed with the Judicial Magistrate Court, Thirukovilur, Villupuram District against the petitioners herein for the offence punishable under Section 294(b), 506(ii) IPC on 11.04.2019.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence committed by the defacto complainant. In order to rope the petitioners, the 2nd respondent gave a false complaint. He further submitted that the defacto complainant mistakenly



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blames the petitioners for his daughter death and lodged fake complaints at the police station with the intention of taking revenge on them by the jurisdictional police conducted enquiry and found that there was no case made out and the complainant intentionally lodged the complaint to harass the petitioners. So the defacto complainant filed a private complaint under section 200 of CrPC. Hence, he prays to quash the proceeding against the petitioners.

4. On seeing the allegation of the defacto complainant, and also considering the gravity of the offences committed by the petitioners, it needs detailed investigation. Hence, this Court is not inclined to quash the proceeding in C.C.No.226 of 2019, pending on the file of the Judicial Magistrate Court, Thirukovilur, Villupuram. Liberty is granted to the petitioners to work out their remedy before the trial Court.

5. Accordingly, this Criminal Original Petition is dismissed.

20.02.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No



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T.V.THAMILSELVI, J.

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