



Crl.O.P.No.1383 of 2023

In the High Court of Judicature at Madras

Dated : 19.3.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Criminal Original Petition No.1383 of 2023
& Crl.M.P.No.789 of 2023

Taufeeq Ahamed

...Petitioner

Vs

1.The Inspector of Police, W-15
All Women Police Station,
Royapuram, Chennai.

2.Mrs.Fahmida Kouser

...Respondents

PETITION under Section 482 of the Criminal Procedure Code praying to call for the records in C.C.No.795 of 2019 on the file of XVI Metropolitan Magistrate Court, George Town, Chennai pending against the petitioner and quash the same.

For Petitioner	:	Mr.R.Abdul Mubeen
For R1	:	Mr.A.Gopinath, GA (Crl.Side)
For R2	:	served & no appearance

ORDER

This is a petition filed by the petitioner (A1) challenging the proceedings in C.C.No.795 of 2019 on the file of XVI Metropolitan



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Magistrate Court, George Town, Chennai.

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2. This petition was entertained by this Court by an order dated 24.1.2023 and the same is extracted as hereunder :

"Heard the learned counsel for the petitioner. It is submitted by the learned counsel for the petitioner that the proceedings against the co-accused, namely, the parents-in-law (A2 & A3) and brother-in-law (A4) of the defacto complainant had been quashed in two different petitions, viz., Crl.O.P.No.16749 of 2019 in respect of Dr.Tanveer Ahamed (A4) and Crl.O.P.No.21258 of 2019 in respect of Mohamed Zain Us Zaman (A2) and Nandira Nilopher (A3). He further submitted that after quashing of the proceedings against the parents-in-law and brother-in-law, another complaint was given by the defacto complainant and on that basis, FIR in Crime No.36 of 2022, for the offences under Sections 294 (b), 823, 312 & 506 (2) IPC was registered by All Women Police Station, Villivakkam. It is further submitted that the defacto complainant's father was a former police officer. Using his influence, repeated false cases are given against the petitioner and his family members.

2. Considering the reasons stated by the learned counsel for the petitioner, this Court orders



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notice to the second respondent/defacto complainant returnable by 14.02.2023. Post the matter on 14.02.2023. There shall be an order of interim stay of all further proceedings in C.C.No.795 of 2019, on the file of XVI Metropolitan Magistrate Court, George Town, Chennai, till then."

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent. The second respondent has been served and her name printed in the cause list. However, she has not chosen to appear either in person or through counsel.

4. The complaint of the second respondent is that she was treated by her husband, who is none other than the petitioner and the in-laws in a cruel manner and they were torturing her by demanding dowry. Based on the complaint given by the second respondent, a first information report came to be registered in Crime No.4 of 2018 on the file of the first respondent and on completion of the investigation, a final report was filed against four accused persons. As stated in the earlier order dated 24.1.2023 passed by this Court, the proceedings was quashed by this Court by two different orders respectively (i)



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dated 16.12.2021 in Crl.O.P.No.16749 of 2019 in respect of A4 and (ii) dated 17.11.2022 in Crl.O.P.No.21258 of 2019 in respect of A2 & A3.

5. The second respondent married the petitioner on 15.3.2013. Initially, they were living in Chennai and later, they had shifted to Bangalore. At a later point of time, they also purchased a flat at Ambattur in the joint names of both the petitioner as well as the second respondent.

6. On a reading of the earlier orders passed by this Court respectively (i) dated 16.12.2021 in Crl.O.P.No.16749 of 2019 in respect of A4 and (ii) dated 17.11.2022 in Crl.O.P.No.21258 of 2019 in respect of A2 & A3 and on perusing the materials available on record, it is seen that the father and the brother of the second respondent have been continuously interfering with the life of the petitioner and the second respondent, that repeated complaints were filed against the petitioner and his family members, that the second respondent, in fact, left the matrimonial house, that the petitioner filed O.S.No.242 of 2017 on the file of the Third Additional Family Court, Chennai seeking restitution of conjugal rights, that pursuant to that, for some time, the



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second respondent was living with the petitioner and that once again, the second respondent got separated from the petitioner after a quarrel in the year 2018.

7. It is also seen that the entire problem in this case was created by the father of the second respondent, who happened to be a former police officer. One after the other, complaints came to be filed before different police stations. That apart, the proceedings under the Protection of Women from Domestic Violence Act, 2005 were also initiated. The second respondent and her family virtually kept the petitioner and his family members in tenterhooks by giving repeated complaints against them. This Court already quashed the proceedings pending before the Court below as against both A2 and A3 as well as A4 by two separate orders. While passing the orders, this Court found that the second respondent was giving complaints with an oblique motive and such findings rendered by this Court in respect of A2 to A4 will equally apply to the petitioner also.

8. This Court finds that the entire proceedings that have been initiated by the second respondent is a clear abuse of process of law,



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which requires interference of this Court. The matrimonial discord between the petitioner and the second respondent was only due to the repeated interference on the part of the father of the second respondent. Hence, repeated complaints were given and the petitioner and his family members were made to attend inquiries from one police station to another. In view of the same, the agony shall no longer continue even for the petitioner and most of the reasons that have been assigned while quashing the proceedings in respect of A2 to A4 will apply to the petitioner (A1) also.

9. In the light of the above discussions, the above criminal original petition is allowed and the entire proceedings in C.C.No.795 of 2019 on the file of XVI Metropolitan Magistrate Court, George Town, Chennai as against the petitioner is quashed. Consequently, the connected Crl.M.P.is closed.

RS

19.3.2024



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N.ANAND VENKATESH,J

RS

To

- 1.The 16th Metropolitan Magistrate
Court, George Town, Chennai.
- 2.The Inspector of Police, W-15
All Women Police Station,
Royapuram, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

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