



CrI.O.P.(MD)No.4050 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.4050 of 2024

and

CrI.M.P.(MD)Nos.3196 & 3198 of 2024

1.Muniyandi

2.Muniyammal

3.Sureshkumar

4.Kasinathan

... Petitioners

Vs.

1.The Inspector of Police,
All Women Police Station,
Mudukulathur,
Ramnad District.
(Crime No.78 of 2022 on the file of the
Peraiyur Police Station)

2.Manimegalai

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pursuant to the proceedings in S.C.No.117 of 2023 on the file of the Fast Track Mahila Court, Ramanathapuram and quash the same in respect of petitioners herein / accused 2 to 5.



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For Petitioners : Mrs.Porkodi Karnan
For R1 : Mr.P.Kottaichamy,
Government Advocate(Crl.side)
For R2 : Mr.M.Rajeswar

ORDER

This criminal original petition has been filed to quash the proceedings in S.C.No.117 of 2023 on the file of the Fast Track Mahila Court, Ramanathapuram.

2.The case of the prosecution is that the defacto complainant and the first accused loved each other. On the promise of marrying her, he had physical relationship with her, several times. When the defacto complainant insisted the first accused to marry her, the parents of the first accused, demanded a sum of Rs.4 Lakhs and 100 sovereigns of gold jewels or otherwise the first accused would refuse to marry her. Hence, the case. Based on the compliant, a case was registered in Cr.No.78 of 2022 and final report has also been filed for the offences punishable under Sections 450, 376, 417, 294(b), 506(2) IPC and Section 4 of the



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Dowry Prohibition Act r/w Sections 5(1) and 6 POCSO Act in S.C.No.

117 of 2023 before the Fast Track Mahila Court, Ramanthapuram.

3.The learned counsel appearing for the petitioners submits that there are no ingredients to attract the offences alleged in the complaint and in the final report. The petitioners herein are the parents and brothers of A1 and there is no material as against them. Therefore, he prays to quash the impugned proceedings as against them.

4.The learned counsel appearing for the second respondent submits that A1 had love affair with the second respondent from the year 2016 and they had physical relationship. An engagement for the marriage was also done in the year 2022. Thereafter, the accused persons insisted for dowry and therefore, the marriage could not be performed.

5.The learned Additional Public Prosecutor appearing for the first respondent submits that the points raised by the petitioners are triable in nature and the same could be appreciated only by the trial Court. Accordingly, he prays to dismiss the present petition.



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6.This Court considered the rival submissions made on either side and perused the materials available in the records.

7.The petitioners herein are parents and brothers of A1. The allegation is that A1 had love affair with the defacto complainant and had physical relationship with her from the year 2016. when the defacto complainant insisted for marriage, the accused persons demanded dowry. The only allegation as against the petitioners herein is that they have demanded dowry, on the day of engagement. However, the respondent police has mechanically filed the case as against the petitioners for the offence under Section 376 IPC and Sections 5(1) and 6 of the POCSO Act. It is noted that the second respondent herein is a B.Com graduate.

8.Considering the materials as against the petitioners, this Court is inclined to quash the proceedings in respect of the offences under Section 376 IPC and Sections 5(1) and 6 POCSO Act as against the petitioners. Since there is some allegation of demand of dowry, the petitioners have to prove their innocence only before the trial Court. Accordingly, the charges in respect of the offences punishable under Section 376 IPC and Sections 5(1) and 6 POCSO Act as against the



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petitioners herein in S.C.No.117 of 2023 on the file of the Fast Track Mahila Court are quashed. The petitioners have to workout their remedy before the trial Court in respect of the remaining offences.

9.In the result, this criminal original petition is partly-allowed. Consequently, connected miscellaneous petitions are closed.

01.07.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
gns

To

1.Fast Track Mahila Court, Ramanathapuram.

2.The Inspector of Police,
All Women Police Station,
Mudukulathur,
Ramnad District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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