



CrI.O.P.(MD)No.12082 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD) No.12082 of 2022
and
CrI.M.P.(MD).Nos.7635 & 7637 of 2022

S.Sathyapriya

... Petitioner

Vs.

1.State represented by
the Inspector of Police,
All Women Police Station,
Theni,
Theni District.
(Crime No.22 of 2021)

2.Monisha

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.62 of 2022 pending on the file of the learned Additional Mahila Court (J.M. Level), Theni and to quash the same in respect of the petitioner / Accused.

For petitioner : Mr.R.Manickam

For R-1 : Mr.S.Manikandan,
Government Advocate
(Criminal Side)

For R-2 : Mr.S.Atham Ali



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ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.62 of 2022 pending on the file of the Additional Mahila Court (J.M. Level), Theni, in respect of the petitioner / Accused is concerned.

2. The case of the prosecution is that the petitioner herein is the uncle's daughter of A1. It is alleged that the petitioner and other accused persons harassed the second respondent, who is the wife of A1, for demanding additional dowry and abused her in filthy language. Thereby, the second respondent made a complaint before the respondent Police for the offence under Sections 498 (A), 294(b), 406, 109 IPC and the respondent Police conducted the investigation and on completion of investigation, they have filed a charge sheet in C.C.No.62 of 2022, before the learned Additional Mahila Judge (J.M. Level), Theni.

3. The learned counsel appearing for the petitioner would submit that the second respondent had unnecessarily roped the petitioner in the complaint filed by her. He would further submit that the allegation made against the petitioner is that as if the petitioner had frequently contacted A1 through phone and the second respondent claimed that the



petitioner is the paramour of Accused No.1. He would further submit that though such statements were made before the respondent Police, however, no chat details were produced before the respondent Police. He would further submit that in the complaint as well as in the charge sheet, it is seen that A1 had intimacy with several ladies, for which, he produced the chat details and other details. However, all those things are not related to the petitioner and without any materials, falsely implicated the petitioner herein as an accused is not sustainable one and the allegation made against the petitioner is vague and hence, forcing the petitioner to face trial is not maintainable.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that admittedly A1 and the petitioner are close relatives and the petitioner and other accused persons harassed the second respondent by demanding more dowry. Thereby, the second respondent made a complaint before the respondent Police. He would further that all those points raised before this Court is a triable issue, which cannot be canvassed before this Court and it can be canvassed only at the time of trial. He would fairly submit that there is no material to show the call details between the petitioner and A1. Accordingly, he prays for dismissal of this petition.



5. The learned counsel appearing for the second respondent would submit that the petitioner had frequently called the petitioner through phone and hence, he prays for dismissal of this petition.

6. It is seen that the petitioner and A1 are relatives and there is no material to show that the petitioner has relationship with A1. Useful reference in this regard can be made to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)*** and the relevant portions in the Judgment are extracted hereunder:

...

“(4) where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(5) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;”



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7. Considering the fact that petitioner being a married woman and got two children and leading her life in a peaceful manner and also taking note of the fact that there is no material to show the relationship between the petitioner and A1 and in view of the Judgment cited supra, the proceedings in C.C.No.62 of 2022 pending on the file of the Additional Mahila Court (JM level), Theni, is quashed insofar as the petitioner is concerned.

8. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

12.03.2024

Index : Yes/No

Internet : Yes/No

NCC : Yes/No

TSG

To

1.The Additional Mahila Court (J.M. Level), Theni.

2.The Inspector of Police,
All Women Police Station,
Theni,
Theni District.

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



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M.DHANDAPANI. J.

TSG

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