



Crl.O.P.(MD)Nos.13751 of 2021 & 20324 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)Nos.13751 of 2021 & 20324 of 2023

and

Crl.M.P.(MD)Nos.7141 of 2021 & 15857 of 2023

Crl.O.P.(MD)No.13751 of 2021 :

1.Kavitha

2.Balamurugan

... Petitioners

VS.

1.State through
The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District
(Crime No.4 of 2016)

... 1st Respondent/Complainant

2.Menaka

... 2nd Respondent/De-facto
Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the impugned charge sheet in C.C.No.278 of 2018 on the file of the learned Judicial Magistrate Court No.I, Ramanathapuram and quash the same as illegal against the petitioners.



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Crl.O.P.(MD)Nos.13751 of 2021 & 20324 of 2023

For Petitioners : Mr.T.Veerakumar

For R1 : Mr.A.Albert James
Government Advocate (Crl. Side)

For R2 : Mr.P.Pethu Rajesh

Crl.O.P.(MD)No.20324 of 2023 :

1.Balamurali

2.Buvanendran

3.Mahalakshmi

4.Prema

... Petitioners

vs.

1.State through
The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District

... 1st Respondent/Complainant

2.Menaka

... 2nd Respondent/De-facto
Complainant

3.Gopi

(R3 is suo motu impleaded as
per order of the Court dated
10.11.2023 in Crl.O.P.
(MD)NO.20324 of 2023 by
GIJ)

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to
call for the records in C.C.No.274 of 2019 on the file of the learned



Crl.O.P.(MD)Nos.13751 of 2021 & 20324 of 2023

Additional Mahila Court, Ramanathapuram and quash the same as illegal with regard to the petitioners alone.

For Petitioners : Mr.S.A.Ajmal Khan

For R1 : Mr.A.Albert James
Government Advocate (Crl. Side)

For R2 : Mr.P.Pethu Rajesh

COMMON ORDER

These Criminal Original Petitions have been filed by accused Nos.4 to 9 to quash the proceedings in C.C.No.278 of 2018 pending on the file of the learned Judicial Magistrate No.I, Ramanathapuram (now transferred to the file of the Additional Mahila Court, Ramanathapuram and re-numbered as C.C.No.274 of 2019).

2. The 2nd respondent gave a complaint to the respondent police to the effect that she married A1 on 05.04.2010 at Tiruchendur Murugan Temple and this happens to be a love marriage. This marriage took place against the wishes of the parents. Thereafter, the parents of A1, namely viz. A2 and A3, started getting in touch with A1. In the meantime, A1 and the defacto complainant moved to Coonoor and started living separately. Later, they shifted to Coimbatore and thereafter, to Bangalore and ultimately,



Crl.O.P.(MD)Nos.13751 of 2021 & 20324 of 2023

landed in Ramanathapuram. The actual problem started once A1 landed in Ramanathapuram. It is alleged that A1, at the instigation of his family members, was harassing the 2nd respondent and was asking her to part with her jewels. The de-facto complainant was also mislead and her jewels were taken in the guise of conducting the marriage of the sister. It is alleged that A1 was treating the de-facto complainant with cruelty only on the instigation of the other accused persons.

3. Based on the complaint given by the 2nd respondent, a First Information Report came to be registered in Crime No.4 of 2016. On completion of the investigation, the police report was filed before the Court below for the offence under Section 498(A), 406, 294(b) and 506(i) of IPC and Section 4 of the Dowry Prohibition Act.

4. The final report was laid as against nine accused persons. A1 is the husband. A2 and A3 are the parents of A1. A4 and A5 are the brothers of A1. A6 and A7 are the wives of A4 and A5 respectively. A8 is the elder sister of A1, and A9 is the son of A8.



Crl.O.P.(MD)Nos.13751 of 2021 & 20324 of 2023

WEB COPY

5. Heard the learned counsels appearing for the petitioners, the learned Government Advocate (Criminal Side) appearing for the 1st respondent and the learned counsel appearing for the 2nd respondent.

6. This Court, on carefully considering the submission made on either side and the materials available on record, finds that this is a yet another case where all the family members have been roped in the criminal case. On reading the 161 statement that had been recorded by the police, it is seen that general and vague allegations have been made against the family members. In fact, the Court below did not even apply its mind on the materials and a Rubber Stamp Cognizance has been taken on 27.08.2018.

7. The apex Court has repeatedly held that the Court while exercising its jurisdiction under Section 482 of Code of Criminal Procedure must be vigilant to ensure that the family members are not roped in the case and made to suffer a criminal prosecution. On the materials placed before this Court, it is seen that there is absolutely no ground except the *ipse dixit* of the defacto complainant. The so called abuse and the cruelty meted out has been stated in general terms without giving any



Crl.O.P.(MD)Nos.13751 of 2021 & 20324 of 2023

particulars as to when it happened.

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8. The continuation of the proceedings as against the petitioners will only result in abuse of process of law and the same requires interference of this Court.

9. In the result, the proceedings now pending in C.C.No.274 of 2019 on the file of the Additional Mahila Court, Ramanathapuram is quashed insofar as the petitioners are concerned (A4 to A9), and the proceedings can continue as against A1 to A3.

10. The learned counsel for the 2nd respondent submitted that A1 and A3 do not attend the proceedings and most of the time A1 lives in a foreign country and whenever a Non-Bailable Warrant (NBW) is issued, he comes back and recalls the warrant and once again leaves the country. Therefore, there is absolutely no progress in this case.

11. Considering the above submission made by the learned counsel for the 2nd respondent, this Court is inclined to fix a time limit for the completion of the proceedings. It is brought to the notice of this Court that



Crl.O.P.(MD)Nos.13751 of 2021 & 20324 of 2023

A1 has now come back to India and is staying here and hence, when A1 is here, the proceeding must be completed. The proceeding is pending from the year 2018 onwards and therefore, the time limit has to be fixed in this case.

12. In the result, these Criminal Original Petitions are allowed and there shall be a direction to the Additional Mahila Court, Ramanathapuram to dispose of C.C.No.274 of 2019 now pending as against A1 and A3 within a period of three months from the date of receipt of a copy of this order. The Court below shall ensure that A1 does not leave India before the completion of the proceedings. The Court below shall get an appropriate bond executed by A1 under Section 88 of the Code of Criminal Procedure.

13. Consequently, the connected Criminal Miscellaneous Petitions are closed.

02.12.2024

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Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No



Crl.O.P.(MD)Nos.13751 of 2021 & 20324 of 2023

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To

- 1.The Judicial Magistrate Court No.I,
Ramanathapuram
- 2.The Additional Mahila Court,
Ramanathapuram
- 3.The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai



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Crl.O.P.(MD)Nos.13751 of 2021 & 20324 of 2023

N.ANAND VENKATESH, J.

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