



Crl.O.P(MD).No.14316 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.14316 of 2021 and
Crl.M.P(MD).Nos.7493 and 7494 of 2021

1.Chandran
2.Dhanalakshmi
3.Rajalakshmi

... Petitioners / accused

Vs.

1.State rep. by the
Inspector of Police,
AWPS Police Station,
Thallakulam, Madurai.
(Crime No.21 of 2018)

2.Kanimozhi
3.Balamurugan
(R3 Suo motu impleaded vide order, dated
24.09.2021)

... Respondents

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the records in connection with C.C.No.340 of 2020 on the file of the Judicial Magistrate, Additional Mahila Court, Madurai and quash the same as against the petitioners.

For Petitioners : Mr.S. Poornachandran

For Respondent : Mr. K. Sanjai Gandhi

Government Advocate (Crl. Side)



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file of the Judicial Magistrate, Additional Mahila Court, Madurai.

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3. The learned counsel appearing for the petitioners would submit that the petitioners herein are parents and sister of A1 and they never live together with the 2nd respondent since 2012. Further, A1 went to Korea for job in the year 2012 itself and hence, there is no possibility of causing cruelty to the 2nd respondent by the petitioners. He would further submit that the petitioners herein did not know about the marriage solemnized between A1 and A4 and there is no specific overt act attributed against the petitioners in the First Information Report and prays for allowing this petition.

4. The learned Government Advocate (Crl. Side) appearing for the first respondent would submit that there are materials to connect the accused / petitioners to proceed with the trial. At the initial stage of trial, the entire proceedings cannot be quashed on its threshold and he sought for dismissal of the quash petition.

5. The learned counsel appearing for the 2nd respondent / defacto complainant submitted that the petitioners have harassed the defacto



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complainant both mentally and cruelly and they have uttered in foul language against the defacto complainant and her family members for the purpose of obtaining more money and properties from her parental house and further, with the help of the petitioners only the A1 married 4th accused. He further contended that all cruelty, torture and harassment would be elicited during the course of trial by the 2nd respondent and other witnesses and hence, prayed for dismissal of this petition.

6. Heard the learned the learned counsel appearing on either side and perused the materials available on record.

7. On perusal of the records it is seen that there was a matrimonial dispute arose between the first accused and 2nd respondent herein. The serious allegation against the petitioners is that they have only performed the second marriage of first accused and A4, but, however, there is no specific overt act attributed against the petitioners either in the FIR or in the Final report with regard to the same and hence, the bigamy and dowry harassment under Sections 406, 494, 498(A) and 109 IPC are not made out as against the petitioners and hence, this Court is inclined to quash the proceeding in C.C.No.340 of 2020 on the file of the Judicial



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Magistrate, Additional Mahila Court, Madurai with regard to the above said offences under Sections 498(A), 406, 494 and 109 IPC and accordingly, the same is hereby quashed. In respect of the other offences under Sections 294(b) and 506(ii) IPC, the truth will come out only after examination of all the witnesses, and hence, this Criminal Original Petition is dismissed. However, the petitioners are given liberty to raise all their contentions, including the contentions raised in this Criminal Original Petition at the time of trial.

8. Accordingly, this Criminal Original Petition is partly allowed. Consequently, the connected Miscellaneous Petitions are closed.

28.06.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp



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To

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1. The Judicial Magistrate, Additional Mahila Court, Madurai
2. Inspector of Police,
AWPS Police Station,
Thallakulam, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai,



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A.A.NAKKIRAN, J.

Trp

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