



Crl.O.P.(MD)No.15226 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.15226 of 2022
and Crl.M.P.(MD)Nos.9988 & 9990 of 2022

1.Pushpajoy
2.Bright

... Petitioners

Vs.

1.The State Rep.by
The Inspector of Police,
All Women Police Station,
Marthandam
Kanyakumari District.
Crime No.31 of 2020

2.Vincila

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the charge sheet in C.C.No.74 of 2021 on the file of the Judicial Magistrate No.II, Padmanabharam and quash the same as against the petitioners as illegal.

For Petitioners : Mr.S.Sivakumar

For R1 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

For R2 : No Appearance



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ORDER

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.74 of 2021 on the file of the Judicial Magistrate No.II, Padmanabhapuram.

2.The case of the prosecution is that the second respondent and the first accused in this case are husband and wife. The first petitioner herein is the sister of A1 and the second petitioner is the husband of the first petitioner. After marriage, all the accused persons harassed the second respondent by demanding additional dowry. Hence, the second respondent lodged a complaint before the learned Judicial Magistrate No.II, Padmanabhapuram under Section 156(3) Cr.P.C., and as per direction given by the learned Magistrate, the first respondent registered a case in Cr.No.31 of 2020 for the offences punishable under Sections 406, 498(A) IPC and Sections 3(1), 4 of the Dowry Prohibition Act. Upon completion of investigation, the first respondent filed the final report, which was taken on file in C.C.No.74 of 2021 on the file of the Judicial Magistrate No.II, Padmanabhapuram. Challenging the same, the petitioners filed the present petition.



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3.The learned counsel appearing for the petitioners submitted that there is no allegation as against them and the second respondent made allegations only as against the first accused. He further submitted that the issue between the first accused and the second respondent was compromised and based on the compromise, the impugned proceedings was quashed by this Court vide order made in Crl.O.P.(MD)No.22342 of 2023 dated 20.12.2023. Hence, forcing the petitioners to face the trial is not sustainable one. Accordingly, he prayed to quash the impugned proceedings.

4.The learned Government Advocate(Crl.side) appearing for the first respondent appearing for the first respondent submitted that the defacto complainant entered into compromise with the first accused and the petitioners herein are only in-laws. That apart, the defacto complainant and the first accused are living together under the same roof. The statement of the defacto complainant was also produced and in the statement she stated that she has no intention to proceed with the case.

5.Heard the learned counsel on either side and perused the materials available in the record.



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6.It is seen that the second respondent lodged a complaint stating that the accused persons harassed her by demanding additional dowry. Subsequently, the issue has been amicably settled between the first accused and the second respondent and based on the compromise, the charge sheet was also quashed by this Court vide order made in Crl.O.P. (MD)No.22342 of 2023 dated 20.12.2023. The defacto complainant was also given statement by stating that she has no intention to proceed with the case. Therefore, forcing the petitioners herein, who are only in-laws, to face the trial is not sustainable one. Accordingly, the impugned charge sheet in C.C.No.74 of 2021 on the file of the Judicial Magistrate No.II, Padmanabharam is hereby quashed, insofar as the petitioners herein.

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

26.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate No.II,
Padmanabharam.
- 2.The Inspector of Police,
All Women Police Station,
Marthandam
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

gns

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