



Crl.O.P.(MD)No.16359 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.16359 of 2022

and

Crl.M.P.(MD).No.10881 of 2022

1.Rajeswari @ Pandiammal

2.Jeyakumar

... petitioners

Vs.

1.State represented by its,
the Inspector of Police,
All Women Police Station,
Virudhunagar,
Virudhunagar District.
(Crime No.12 of 2018)

2.Vaidehi

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the charge sheet in C.C.No. 233 of 2021 on the file of the learned Judicial Magistrate No.II, Virudhunagar and quash the same as illegal.

For petitioners

: Mr.T.Lenin Kumar

For R-1

: Mr.P.Kottaichamy,
Government Advocate
(Criminal Side)



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For R-2

: Mr.Suresh Kannan,
Legal Aid Counsel

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.233 of 2021 on the file of the learned Judicial Magistrate No.II, Virudhunagar.

2. The case of the prosecution is that there was a matrimonial dispute arose between the first accused and the second respondent. The first accused along with the petitioners, who are the mother-in-law and brother-in-law of the second respondent, demanded more dowry from the second respondent and also harassed her. Due to which, the second respondent made a complaint before the first respondent Police and the first respondent conducted the investigation and on completion of investigation, they filed a charge sheet before the learned Judicial Magistrate No.II, Virudhunagar and the same was taken on file in C.C.No.233 of 2021 for the offence punishable under Section 4 of Dowry Prohibition Act, 1961 r/w punishable under Sections 406, 498(A) and 506 (1) IPC. Challenging the same, the present petition has been filed.



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3. The learned counsel appearing for the petitioners would submit that during the pendency of the case, the husband and the father-in-law of the second respondent died in a car accident and these facts are also mentioned in the charge sheet. However, the respondent Police instead of closing the case, filed a charge sheet as against these petitioners is not sustainable one. He would further submit that subsequently, the second respondent had contracted with another marriage and now, she is living with her husband. He would further submit that the allegations made against the petitioners are vague and no serious allegations are made against these petitioners. He would further submit that the witnesses mentioned in the charge sheet are hearsay witnesses only. Hence, he prays for allowing this petition.

4. The learned counsel appearing for the second respondent would submit 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.

5. The learned Government Advocate (Criminal Side) appearing for the respondent Police has adopted the arguments made by the learned counsel appearing for the second respondent.



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6. It is seen that the husband of the second respondent is no more and the second respondent has contracted with another marriage and now, she is living with her second husband. Moreover, there is no specific overt act against the petitioners.

7. In view of the above, the proceedings in C.C.No.233 of 2021 on the file of the learned Judicial Magistrate No.II, Virudhunagar, is quashed against the petitioners herein.

8. Accordingly, the Criminal Original Petition is allowed and the proceedings in C.C.No.233 of 2021 stands quashed against the petitioners are concerned. Consequently, connected miscellaneous petition is closed.

25.03.2024

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

1.The Judicial Magistrate No.II, Virudhunagar.

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



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

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M.DHANDAPANI. J.

TSG

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