



Crl.O.P.(MD)No.15533 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.15533 of 2022
and Crl.M.P.(MD)No.10198 of 2022

1.Sundari

2.Angammal @ Rani

3.Shanmugathai

... Petitioners

Vs.

1.The Inspector of Police,
All Women Police Station,
Srivaikuntam, Thoothukudi District.
Crime No.8 of 2018

2.Anantha Karhthika

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and to quash C.C.No. 290 of 2018 on the file of the Judicial Magistrate No.I, Srivaikuntam, Thoothukudi District against the petitioners/A3 to A5.

For Petitioners : Mr.S.Muthumalai Raja

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



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.290 of 2018 on the file of the Judicial Magistrate No.I, Srivaikuntam, Thoothukudi District.

2.The case of the prosecution is that A1 and the second respondent are husband and wife. After marriage, the petitioners and other accused harassed the second respondent by demanding additional dowry. Hence, she filed a complaint, based on which, FIR in Cr.No.8 of 2018 has been registered by the first respondent Police for the offences punishable under Sections 294(b), 498(a), 417, 406 IPC r/w Section 4 of the Dowry Prohibition Act, 1961. Upon completion of investigation, the first respondent filed final report, which was taken on file in C.C.No.290 of 2018 by the Judicial Magistrate No.I, Srivaikuntam, Thoothukudi District. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioners submitted that all the allegations levelled as against A1, who is the husband of the



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second respondent and there is no specific allegations as against the petitioners herein, who are in-laws. Accordingly, he prayed to quash the impugned proceedings.

4.The learned Government Advocate (Crl. Side) appearing for the first respondent would submit that the first respondent has conducted a fair investigation and after examining the necessary witnesses and collecting all materials, he has filed the final report, which has been taken cognizance of by the court below. He would further submit that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and hence, he would pray to dismiss the present petition.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl.side) appearing for the first respondent.

6.Time and again, this Court as well as the Supreme Court has cautioned the courts about the necessary precautions to be taken while



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quashing the charge sheet at the initial stage. Useful reference in this regard can be had to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)***.

7.In the above circumstances, the trial court has rightly taken the case on file and this Court is of the considered view that no prejudice would be caused to the petitioners if they are subjected to due trial as sufficient opportunity would be given to the petitioners to put forth their defence. The petitioners cannot be let by quashing the charge framed against them as that would completely undermine the alleged acts, which is the subject matter of criminal trial pending against them.

8.For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.290 of 2018, pending on the file of the learned Judicial Magistrate No.I, Srivaikuntam, Thoothukudi District. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petitions are closed.

9.At this juncture, the learned counsel appearing for the petitioners submitted that this Court may consider dispensing with the



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personal appearance of the petitioners before the court below and further, this Court may direct the trial Court to complete the trial within a stipulated time.

10.Taking into consideration the request as made by the learned counsel for the petitioners, the appearance of the petitioners before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days. Further, the learned Judicial Magistrate No.I, Srivaikuntam, Thoothukudi District is directed to complete the trial in C.C.No.290 of 2018, within a period of six months from the date of receipt of a copy of this order.

08.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns



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M.DHANDAPANI,J.

gns

To

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

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