



Crl.O.P.(MD)No.16973 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.16973 of 2022

and

Crl.M.P.(MD)No.11411 of 2022

1.Raja

2.Jaya

3.Geetha

4.Sathana

... Petitioners

Vs.

1.The State rep.by

The Inspector of Police,
All Women Police Station,
Srirangam,
Trichy City.
Crime No.14 of 2022

2.Santhini

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.14 of 2022 pending on the file of the first respondent and quash the same as illegal.

1/6



Crl.O.P.(MD)No.16973 of 2022

For Petitioners : M/s.S.Prabhashini

For R1 : Mr.B.Nambiselvan,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed to quash FIR in Crime No.14 of 2022 pending on the file of the first respondent Police.

2.The case of the prosecution is that the first petitioner and the second respondent are husband and marriage. At the time of marriage, the parents of the second respondent presented 125 sovereignties of gold jewels and cash of Rs.3,00,000 and other sreethana articles were given. After marriage, the accused persons sold the gold jewels of the second respondent for business purpose and when the same was questioned by her, the accused persons threatened her and they demanded additional dowry. Therefore, the second respondent preferred a complaint before Srirangam All Women Police Station, however, no case was registered. Hence, the second respondent filed a complaint under Section 156(3)



CrI.O.P.(MD)No.16973 of 2022

Cr.P.C., and as per the direction given by the learned Magistrate, a case in Cr.No.14 of 2022 was registered for the offences under Sections 498(A), 406 IPC. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioners submitted that the marriage was performed in between the first petitioner and the second respondent in the year 2009 and thereafter, the second respondent filed a complaint in DVC.No.82 of 2021 before the Additional Mahila Court, Trichy. Apart from that, the first respondent filed a divorce petition in HMOP.No.32 of 2021, similarly, the second respondent filed a petition for restitution of conjugal rights in HMOP.No.416 of 2021 and both cases were transferred to the Family Court, Tiruchirappalli and tried together. He further submitted that divorce was granted in favour of the first petitioner and the petition filed by the second respondent was dismissed. Challenging the same, the second respondent filed appeals before the Division Bench of this Court in CMA.(MD)Nos.972 of 2023 & 1 of 2024. This Court confirmed the judgment passed by the Court below, vide judgment dated 01.02.2024 and held that the second



Crl.O.P.(MD)No.16973 of 2022

respondent herein, the criminal complaint was given after two years of separation and thereafter, filed a petition for restitution of conjugal rights, without any merit. Accordingly, he prayed to quash the impugned FIR.

4.The learned Additional Public Prosecutor appearing for the first respondent submitted that in view of the subsequent development, the case will be closed as “Action Dropped”, within a period of two weeks.

5.It is seen that the first petitioner filed divorce petition and the second respondent filed restitution of conjugal rights. The Court below granted divorce in favour of the first petitioner and dismissed the petition filed by the second respondent. Aggrieved over the same, the second respondent preferred appeals before the Division Bench of this Court and the same were dismissed by confirming the judgment of the Court below. In the judgment dated 01.02.2024, the Division Bench of this Court held that there is no dowry harassment and only in order to harass the petitioners herein the second respondent filed a complaint as well as the petition for restitution of conjugal rights.



CrI.O.P.(MD)No.16973 of 2022

WEB COPY

6. In view of the above, the first respondent Police is directed to pass orders based on the judgment passed by the Division Bench of this Court in CMA.(MD)Nos.972 of 2023 and 1 of 2024 and also by giving necessary opportunity to the petitioners and 2nd respondent, within a period of two weeks from the date of receipt of a copy of this order. Accordingly, this criminal original petition is closed. Consequently, connected miscellaneous petition is closed.

07.03.2024

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

1. The Inspector of Police,
All Women Police Station,
Srirangam,
Trichy City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.16973 of 2022

M.DHANDAPANI,J.

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Crl.O.P.(MD)No.16973 of 2022

07.03.2024