



Crl.O.P(MD).No.20048 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.20048 of 2021 and
Crl.M.P(MD).Nos. 11302 and 11303 of 2021

1.Rex Packinathan
2.Margret
3.Sindhia

... Petitioners

Vs.

1.State rep. by
The Inspector of Police,
All Women Police Station,
Valliyoor,
Thirunelveli District.
(Crime No.6 of 2021)

2.Joyselin

... Respondents

PRAYER:- Petition filed under Section 482 Cr.P.C., to quash the charge sheet in C.C.No.414 of 2021 on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District as against the petitioners herein.

For Petitioner : Mr.M.Suri

For Respondent No.1 : Mr.K. Sanjay Gandhi

Government Advocate (Crl. Side)

For 2nd respondent : Mr.Aayirram K. Selvakumar



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ORDER

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This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.414 of 2021 on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District as against the petitioners herein.

2. The case of the prosecution is that the marriage between the 2nd respondent and the A1 was solemnized in the year 2020 and after their marriage, the accused persons had given torture to the de facto complainant both mentally and cruelly and hence, she made a complaint before the respondent Police. Thereafter, the respondent Police registered a case against the accused persons in Crime No.06 of 2021 and conducted the investigation and on completion of investigation, a charge sheet has been filed before the learned Judicial Magistrate, Valliyoor, Tirunelveli District and the same was taken on file in C.C.No.414 of 2021 for the offences punishable under Sections 498(A), 406, 294(b), 506(i) IPC and Section 4 of Dowry Prohibition Act and Section 4 of Prohibition of Harassment of Women Act, 2002 as against the first petitioner herein and Section 498(A), 406, 294(b), 506(i) IPC and Section 4 of Dowry Prohibition Act as against the petitioners herein.



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3. The learned counsel appearing for the petitioners submitted that the petitioners herein are parents and sister of the 1st accused and there is no specific allegations made by the defacto complainant against the petitioners. He would further submit that inflated and exaggerated allegations are made in the final report only with an intention to rope the relatives of the husband and hence, he prays for allowing this Criminal Original Petition.

4. The learned Government Advocate (Crl. Side) appearing for the first respondent Police would submit that it was specifically stated in the complaint as well as 161 Statement that the petitioners herein have also demanded more dowry and prayed for dismissal of this petition.

5. The learned counsel appearing for the 2nd respondent / defacto complainant submitted that the petitioners have treated the defacto complainant as maid besides 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. He further contended that all cruelty, torture and harassment would be



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

7. Perusal of the records reveals that there is a specific overt act against these petitioners and hence, they have to establish their case before the trial Court. Hence, this Court is not inclined to allow this petition.

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

6. In the circumstances, the learned counsel appearing for the petitioners seeks to dispense with the personal appearance of the petitioners before the trial Court.

7. Taking into consideration of the request as made by the learned counsel for the petitioners, the appearance of the petitioners before the



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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 are necessary, the trial court, at its wisdom, shall direct those appearance on those days.

04.04.2024

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

To

1.The Inspector of Police,
All Women Police Station,
Valliyoor,
Thirunelveli District.

2. The learned Judicial Magistrate, Valliyoor, Tirunelveli District

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



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A.A.NAKKIRAN, J.

Trp

**CrI.O.P(MD).No.20048 of 2021 and
CrI.M.P(MD).Nos. 11302 and 11303 of 2021**

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