



Crl.O.P.(MD)No.19086 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.19086 of 2022

and

Crl.M.P(MD) Nos.12867 and 12869 of 2022

1.Thayumanavar @ Thayumanavan

2.Sachithanantham

3.Valambal

4.Saravanan

... Petitioners/Accused Nos.1 to 4

Vs.

1.The Inspector of Police,
Jeeyapuram Police Station,
Trichy District.
Crime No.199 of 2014.

...1st Respondent/Complainant

2.Ayyappan

...2nd Respondent/Defacto
Complainant

Prayer: The Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records in C.C.No.206 of 2015 on the file of the learned Judicial Magistrate No.III, Trichy, Trichy District and quash the same.



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For Petitioners : Mr.M.Pitchai Muthu
For R1 : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)
For R2 : Mr.Ramu

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.206 of 2015 pending on the file of the learned Judicial Magistrate No.III, Trichy, Trichy District.

2.The case of the prosecution is that the marriage between the first accused and the daughter of the defacto complainant was performed on 30.06.2014 as per Hindu customary rites. On 20.07.2014 the daughter of the defacto complainant went to her parents house for Hindu customary practice. Thereafter, the first accused did not come to bring the defacto complainant's daughter and when the same was questioned by the defacto complainant over phone, the second accused asked him to come to Mukkombu. Thereby, the defacto complainant and his family members went to Mukkombu on 31.08.2014 for compromise



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talk. At that time, the accused persons scolded the defacto complainant and his daughter using filthy language and and attacked the defacto complainant using hands. Hence, the second respondent made a complaint before the first respondent Police and the first respondent Police registered a case in Crime No.199 of 2014 against the petitioners and the respondent Police conducted an investigation. On completion of investigation, the charge sheet has been filed before the learned Judicial Magistrate No.III, Trichy, Trichy District, and the same was taken cognizance in C.C.No.206 of 2015 for the offences punishable under Sections 294(b), 323 and 506(i) of IPC.

3.The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners. Further, the second respondent's daughter voluntarily left her matrimonial home and divorce was granted in favour of her in H.M.O.P. No.168 of 2014 by the Principal Sub Court, Cuddalore and now she got married with another person and she is living with him. After the divorce, all the dowry articles were handed over to the second respondent's family by the



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petitioner. The case in crime No.8 of 2016, which was registered on the basis of the complaint given by the second respondent's daughter against the fourth respondent was quashed by this Court in Crl.O.P(MD) No. 2511 of 2022, vide order dated 29.03.2022. Hence, he seeks to allow this petition.

4. The learned counsel for the defacto complainant would submit that on the basis of the complaint given by the second respondent's daughter, a case was registered in Crime No.8 of 2016 as against the petitioners for the offences punishable under Sections 498(A), 506(i) of IPC r/w. Section 4 of Dowry Prohibition Act and the same was quashed by this Court in Crl.O.P(MD) No.2511 of 2022, vide order dated 29.03.2022 by recording that the respondent therein was not intended to pursue the complaint, since she has re-married and she is living peacefully. Hence, he has no objection to allow this petition.

5. Considering the submission made by the learned counsel for the petitioner and the learned counsel for the defacto complainant, in



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view of the quashment of the case in Crime No.8 of 2016 and since the second respondent's daughter is not intended to pursue the present case as against the petitioner herein, this Court is inclined to quash the Charge Sheet in C.C.No.206 of 2015 on the file of the learned Judicial Magistrate No.III, Trichy, Trichy District as against the petitioner.

6. In the result, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petitions are closed.

28.03.2024

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

Indu



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M.DHANDAPANI,J.

Indu

To:

- 1.The learned Judicial Magistrate No.III,
Trichy, Trichy District.
- 2.The Inspector of Police,
Jeeyapuram Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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