



Crl.M.P.(MD)No.13194 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Fourth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.M.P.(MD)No.13194 of 2024

in

Crl.O.P.(MD)No.21228 of 2024

1 VIJAY

2 V.BOSE

3 BHARATHI

4 GAVASKAR

5 SHALINI

6 RAVANISH

... PETITIONERS/PETITIONERS

Vs

1 THE STATE OF TAMILNADU
REP BY THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THILAGAR THIDAL,
MADURAI CITY,
MADURAI.
CRIME NO.23 OF 2020.

2 VIDHYA

... RESPONDENTS/RESPONDENTS



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Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Stay all further proceedings in C.C.No.438 of 2021 on the file of the Learned Additional Mahila Court, Madurai pending disposal of the above Criminal Original Petition.

Prayer in CRL OP(MD). 21228/ 2024 :

To call for the records pertaining to the case in C.c.NO.438 of 2021 on the file of the Learned Additional Mahila Court, Madurai and Quash the same as far as the petitioners are concerned.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M.SIVAKUMAR, Advocate for the petitioners and of MR.P.KOTTAICHAMY, Government Advocate (Crl.side) on behalf of the Respondent No.1, while admitting the Criminal Original Petition, the court made the following order:-

Mr.P.Kottaichamy, learned Government Advocate (Criminal side), takes notice for the first respondent.

2. Notice to the second respondent returnable by 06.01.2025. Private notice is also permitted.



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3. The petitioners / A1 to A6 in C.C.No.438 of 2021, who are facing trial for the offences under Sections 498A, 406, 294(b) and 506(i) of I.P.C. and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, have filed the quash application.

4. The contention of the learned counsel for the petitioners is that the first petitioner and the second respondent/de-facto complainant got married on 27.08.2014. During the marriage, customary stridhana articles, including gold jewels, were presented. On 03.09.2014, the de-facto complainant was taken to Pune, where the first petitioner was employed as a Software Engineer. From the day of marriage, the first petitioner is said to have demanded dowry and harassed her. On 03.05.2015, a special child was born to them, but later, the first petitioner deserted the de-facto complainant. In 2018, the de-facto complainant filed a maintenance case in M.C.No.35 of 2018. At that time, the petitioners approached the de-facto complainant for a compromise. Subsequently, the first petitioner took the de-facto complainant to Bangalore, where she was again harassed and chased out of the matrimonial home. Hence, a complaint has been lodged.

5. The learned counsel for the petitioners contended that the first petitioner and



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the de-facto complainant were married but later separated. The second and third petitioners are the first petitioner's parents, while the fourth and sixth petitioners are his brothers. The fifth petitioner is the wife of the fourth petitioner. Both the fourth and fifth petitioners are employed in the Armed Police in Chennai. The allegations against them involve consuming alcohol during the Deepavali period, which the de-facto complainant questioned. It is claimed that the petitioners abused her in response. However, on the day the petitioners are alleged to have consumed alcohol, the fourth and sixth petitioners were on duty in Chennai, which was confirmed by a certificate of the Assistant Commandant. The fifth petitioner, wife of the fourth petitioner, lives in Chennai.

6. The learned counsel for the petitioners submitted that the entire case is an attempt to cover up the wrongdoing of the de-facto complainant. The de-facto complainant, who has remarried Murali and had a child on 22.04.2021 at Udaya Nursing Home, Theni, is now living happily with him.

7. The first petitioner had filed a complaint against the de-facto complainant, leading to the registration of a case in Crime No.16 of 2022 under Sections 417, 494, and 506(i) of the I.P.C. The investigation has been completed, and a charge sheet has



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been filed in C.C.No.11 of 2023, which is now pending trial before the Judicial
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Magistrate Court, Uthamapalayam, Theni District.

8. Further, on 17.10.2020, the de-facto complainant and her parents abandoned their special child at the second petitioner's doorstep. A case was registered in Crime No.850 of 2020, and upon investigation, a charge sheet was filed in C.C.No.66 of 2021 under Section 317 of the I.P.C. against the de-facto complainant and her parents. The case is also pending trial.

9. This being so, the filing of the charge sheet in the present case is not proper. The learned counsel for the petitioners contended that, had the Police considered all these aspects, the charge sheet would not have been filed. To support his submissions, the learned counsel for the petitioners filed certificates from the Inspector of Police, Basin Bridge Police Station, confirming the fourth petitioner's duty from 31.07.2013 to 29.04.2015, and a certificate confirming the sixth petitioner's duty from 01.10.2014 to 25.10.2014. Further, the charge sheet where the de-facto complainant is an accused, facing trial, was also produced.

10. Considering the above submissions, this Court is inclined to grant an



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interim stay on all further proceedings in C.C.No.438 of 2021, pending before the
Additional Mahila Court, Madurai. Accordingly, an interim stay is hereby granted.

sd/-
04/12/2024

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/12/2024

Sub-Assistant Registrar (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

smn2

TO

1. THE JUDGE, ADDITIONAL MAHILA COURT, MADURAI

2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THILAGAR THIDAL,
MADURAI CITY,
MADURAI.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

1.THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI

+2 CC to M/s.M.SIVAKUMAR, Advocate (SR-14986[I] dated 05/12/2024)



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ORDER

IN

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in

Crl.O.P.(MD)No.21228 of 2024

Date :04/12/2024

RK/VR (11/12/2024) 7P / 8C

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