



CRL MP(MD) No.12688 of 2024

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

Tuesday, the Twenty Sixth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CRL MP(MD) No.12688 of 2024

in

CRL OP(MD)No.20575 of 2024

1 P. JEYASEELAN

2 J.HEMALATHA

3 SWATHI

... PETITIONERS/ ALLEGED ACCUSED Nos.2 TO 4

Vs

1 THE STATE OF TAMILNADU
REP BY THE INSPECTOR OF POLICE,
AWPS -TIRUNELVELI,
TIRUNELVELI DISTRICT.
CRIME NO.5 OF 2022.

... RESPONDENT No.1/COMPLAINANT

2 SWEDHA

... RESPONDENT No.2/DEFACTO COMPLAINANT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant an Interim Stay of all further proceedings in charge sheet in C.C.No.314 of 2024 on the file of the Additional Mahila Court, Tirunelveli District pending disposal of the above Quash Petition.



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Prayer in CRL OP(MD). 20575/ 2024 :

To call for the records pertaining to the case registered in Charge sheet in C.C.No.314 of 2024 on the file of Additional Mahila Court, Tirunelveli, Tirunelveli District and Quash the same as illegal as far as the petitioners are concerned.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.G.ANTO PRINCE, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate(Crl.side) on behalf of the 1st Respondent while admitting the Criminal Original Petition.,, the Court made the following order:-

Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal side) takes notice for the first respondent.

2. Notice to the second respondent returnable by **17.12.2024**. Private notice is also permitted.

3. The petitioners / A2 to A4, who are facing trial in C.C.No.314 of 2024, for the offences under Sections 506(i), 354 and 498-A of I.P.C. and Section 4 of the Dowry Prohibition Act, 1961, have filed the quash application.

4. The learned counsel for the petitioners contends that the petitioners are the father, mother, and sister of the first accused. The marriage between the first accused and the second respondent/de-facto complainant took place on 07.07.2021.



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It is an admitted fact that the petitioners did not consent to the marriage, nor did they participate in it. The petitioners, who are the parents of the first accused and the sister of the first accused (who was abroad at the time of the marriage), had no role in the marriage proceedings.

5. The learned counsel further submitted that the marriage lasted only 18 days, and during this time, the second respondent/de-facto complainant forcibly took the son of the petitioners 1 and 2 (A1) and eloped with him. The couple lived separately for only 18 days and never resided with the petitioners. Therefore, the question of dowry harassment does not arise. After this brief period, the couple separated due to doubts regarding the first accused's potency, and the second respondent filed a complaint. In this case, matrimonial cases have been filed by the first accused seeking restitution of conjugal rights, while the second respondent/de-facto complainant has filed a petition for divorce. Further, the second respondent/de-facto complainant has also filed a maintenance case and a domestic violence complaint.

6. Referring to the Social Welfare Officer's report dated 20.06.2022, the learned counsel for the petitioners submitted that the report acknowledges the petitioners' non-participation in the marriage and does not indicate any demand for dowry.



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7. Finding force in the above submissions, this Court is inclined to grant an interim stay on all further proceedings in C.C.No.314 of 2024, pending before the Additional Mahila Court, Tirunelveli, insofar as the petitioners are concerned. Accordingly, an interim stay is hereby granted.

sd/-
26/11/2024

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/12/2024

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

SMN2

TO

- 1 THE ADDITIONAL MAHILA JUDGE,
TIRUNELVELI, TIRUNELVELI DISTRICT.
- 2 THE INSPECTOR OF POLICE,
AWPS -TIRUNELVELI,
TIRUNELVELI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER
IN
CRL MP(MD) No.12688 of 2024
in
CRL OP(MD)No.20575 of 2024
Date :26/11/2024

SS/GSV/SAR- /09/12/2024/ 5P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023