



Crl.O.P.(MD) No.20212 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.20212 of 2023

and

Crl.M.P.(MD) Nos.15796 and 15798 of 2024

1.S.P.Amja

2.A.Vakitha Banu

3.A.Risvana Fathima

4.P.Pitchai Mohammed

...Petitioners

VS

1.The Deputy Superintendent of Police,
Vedasandur Sub Division,
Dindigul District.

2.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
Crime No.293 of 2017

3.S.Farakath Pareesha

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records relating to the impugned charge sheet in PRC.No.11 of 2019 pending on the file of the learned District Munsif cum



Crl.O.P.(MD) No.20212 of 2023

Judicial Magistrate Court Vendasandur, Dindigul District and quash the same.

For Petitioners : Mr.N.Marimuthu

For R1 & R2 : Mr.M.Veeranthiran
Government Advocate (Crl.side)

For R3 : Mr.D.Venkatesh

ORDER

This Criminal Original Petition had been filed seeking to quash the charge sheet in PRC.No.11 of 2019 pending on the file of the learned District Munsif cum Judicial Magistrate, Vendasandur, Dindigul District.

2.The learned Counsel for the Petitioners submits that the Petitioners are arraigned as accused 1 to 4 in PRC.No.11 of 2019 pending on the file of the learned District Munsif cum Judicial Magistrate, Vendasandur, Dindigul District. It is the contention of the learned Counsel for the Petitioners that the deceased woman was the daughter-in-law of the Petitioners 1 and 2 and sister-in-law of the third Petitioner.



Crl.O.P.(MD) No.20212 of 2023

WEB COPY

3.As per the charge sheet, the husband of the third Petitioner, who was running a piriyani shop, is alleged to have stated to the deceased woman, the daughter-in-law of the Petitioners 1 and 2 and sister-in-law of the third Petitioner, to wash the vessels of the piriyani shop on the alleged ground that being the daughter-in-law, she had not brought sufficient dowry for her husband.

4.As per the complaint of the *defacto* Complainant/the third Respondent, her daughter, the deceased, was subjected to cruelty by the Petitioners herein from day one, when she entered into the family as daughter-in-law. The husband of the deceased woman, the son-in-law of the *defacto* Complainant and the son of the Petitioners 1 and 2 was sick. Therefore, the second Petitioner is alleged to have uttered that “if anything happened to my son, you will be responsible and instead of my son losing his life, you yourself get lost”.



WEB COPY

5. On the alleged date of occurrence, the daughter of the *defacto* Complainant/the third Respondent is alleged to have contacted her mother on mobile and informed her that she does not want to live on the ground that she had been hearing abusive words always in the matrimonial home. The mother of the deceased had Counselling her to be bold; everything will fall in place; be patient. Instead, the mother of the deceased received messages from the first Petitioner, the father-in-law of the deceased woman that his daughter-in-law committed suicide. She was treated as a maid servant to compensate for the dowry that they expected from the daughter-in-law.

6. The learned Counsel for the Petitioners would further submit that the first Petitioner is a senior citizen. He is facing multiple organ failure and is undergoing treatment. He needs peace of mind. Therefore, they had arrived at a compromise with the Jamath leaders in the local Mosque. Therefore, he seeks to quash the Charge Sheet in PRC.No.11 of 2019 pending on the file of the learned District Munsif cum Judicial Magistrate, Veda sandur, Dindigul District.



WEB COPY

7.The learned Government Advocate for the Respondents 1 and 2 would submit that on enquiry, it was found out that there was harassment committed by the in laws of the deceased woman. What had been stated by the learned Counsel for the Petitioners is not the subject matter to be decided under Article 482 of the Code of Criminal Procedure. It has to be considered during trial only as valuable defense of the accused. Therefore, the learned Government Advocate seeks dismissal of this petition.

8.The learned Government Advocate in support of his contention relied on the judgment of the Hon'ble Supreme Court in ***Nachhattar Singh and others Vs. State of Punjab*** reported in ***(2011) 11 Supreme Court Cases 542***, wherein it had been stated as follows:-

*“5.The High Court nevertheless went on to hold that though there were no specific instances of demands of dowry yet an inference that certain demands had been made was available from their testimony and the other documentary evidence on record and particularly, that no woman who had a young child would commit suicide (as had happened in the present case) unless she had been driven to it by the ill treatment meted out to her. The accused were, accordingly, acquitted of the offences under **Section 304B** of the IPC but convicted under **Section 306** IPC and awarded a sentence of four years. ”*



WEB COPY

9. On consideration of the rival submissions, the argument of the learned Counsel for the Petitioners is that the local Jamadh had entered into a compromise with the *defacto* Complainant returning the properties of the deceased to the *defacto* Complainant, the mother of the deceased. The Petitioners are the accused. The first Petitioner is the father-in-law of the deceased. He is ailing for some time due to multiple organ failure and in the evening of his life, he needs peace of mind.

10. The submission of the learned Counsel for the Petitioners cannot at all be considered in the facts and circumstances of the case. The rulings cited by him are not available in the facts of this case. Here, the deceased is alleged to have spoken to her mother in the same evening narrating the cruelties meted out to her in the hands of the Petitioners herein. When the mother of the deceased, the third Respondent, had Counselling her that she has to face the matrimonial life with courage informing her that she will visit her house next day. In the same evening, she had committed suicide. Whether the deceased woman spoke to her mother before death, whether there was abetment immediately prior to the death are all the subject matter



Crl.O.P.(MD) No.20212 of 2023

to be considered only during trial, as rightly pointed out by the learned Government Advocate. That cannot be considered by this Court.

11.In the reported decision of the Hon'ble Supreme Court in ***Yaddanapudi Madhusudhana Rao Vs. the State of Andhra Pradesh and others*** reported in ***2023 LiveLaw (SC) 641***, there is no statement from the witnesses that the husband and the in laws committed cruelties on the deceased. Here, it is the consistent statement of the witnesses that the deceased woman had been continuously complaining her relatives about the cruelties meted out by the parents of the husband and the sister of the husband.

12.In this petition, only the parents of the husband and the sister of the husband are the Petitioners. The fact that the father-in-law of the deceased, the first Petitioner is suffering from multiple organ failure and he needs peace of mind at the evening of his life cannot be a sole ground for quashing of the charge sheet.



Crl.O.P.(MD) No.20212 of 2023

WEB COPY

13.The fact that the material received from the maternal house of the deceased at the time of marriage had been returned including the jewels and money to the mother of the deceased, the *defacto* Complainant cannot be the sole ground to quash the charge sheet. If that is considered, then in every case there will be Panchayat held by the people having no role in the administration of justice, which has to be construed as extra judicial interference in the cases of criminal investigation and criminal trial by the Court of law duly constituted under the law of the Country.

14.The so called Jamath people holding such Panchayat will not bind the Court. There is an alternate dispute resolution attached to the Court of law. That is employed only in civil matters. If there had been an amenable mediation, the subject matter of the petition could have been referred to Mediation and Conciliation Centre attached to this Bench. It is not a case of such nature. The deed executed before the local Jamath will not bind either the defacto complainant or this Court exercising powers under Section 482 Cr.P.C., The attempt of the Jamath is to be treated as ‘katta panchayat’ which attracts the observation made by this Court in the reported ruling in



Crl.O.P.(MD) No.20212 of 2023

K.Gopal -vs- The State of Tamil Nadu represented by Chief Secretary and others reported in 2005 SCC Online Mad 466.

15.In the facts and circumstances of the case, the rulings cited by the learned Counsel for the Petitioners are not applicable to the facts of this case. The rulings cited by the learned Government Advocate are found applicable to the facts of this case, as there was a statutory enquiry conducted by the Executive Magistrate for the death of the newly married woman within 7 years from the date of marriage, wherein the defacto Complainant had narrated the entire facts from the date of marriage till the date of death of the deceased.

16.In the *Yaddanapuri's case*, there had been dispute between the parties. But subsequently, they lived as husband and wife. At the time of death, the mother of the deceased had clearly stated that she does not have any complaint against the son-in-law. Under those circumstances, after the custody of the child born to the deceased was sought by the mother of the deceased, there was a dispute between the mother of the deceased and the



Crl.O.P.(MD) No.20212 of 2023

husband's parents. She had given a fresh complaint, as though the husband of the deceased was the cause of death of her daughter. Therefore, the proceeding was quashed.

17.Here, the facts are entirely different. The mother of the deceased had been consistent in her complaint that her daughter, even though studied up to +2 was not considered worth her education. She was exploited by the in laws as maid servant to clean the vessels of the third Petitioner's husband's Biriyani shop, for not bringing in sufficient dowry as per the expectation of the Petitioners herein. Under those circumstances, the submission of the learned Counsel for the Petitioners will not hold good.

18.The direction of the Hon'ble Supreme Court that the Courts shall not use the inherent powers leniently and shall use it sparingly and also the guidelines issued in that case that the valuable defense available to the accused and the possibility of acquittal cannot be considered as valuable point at the time of considering the inherent discretion by the High Court under Section 482 Cr.P.C., holds good in this case.



Crl.O.P.(MD) No.20212 of 2023

19. Even the Hon'ble Supreme Court had stated that in all circumstances, earlier rulings will not apply to all circumstances, the facts of each case is to be considered in the light of the facts of that particular case and cannot be mechanically applied in the light of the reported ruling. Therefore, the facts of this case differ from the reported ruling cited by the learned Counsel for the Petitioners.

20. In the result, ***this Criminal Original Petition stands dismissed.***

Consequently, connected Miscellaneous Petitions are closed.

Internet: Yes./No
Index: Yes/No
mm

25.03.2024

To

1. The Deputy Superintendent of Police,
Vedasandur Sub Division,
Dindigul District.
2. The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.20212 of 2023

SATHI KUMAR SUKUMARA KURUP, J.

mm

CRL.O.P (MD) No.20212 of 2023

25.03.2024