



CRL MP(MD) No.13286 of 2024

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

Monday, the Ninth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CRL MP(MD) No.13286 of 2024

IN

CRL OP(MD) No.21437 of 2024

1 MURUGANANTHAM
2 VEERAMPULIPANDIYAN
3 SEENITHAI

... PETITIONERS/PETITIONERS

Vs

1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SANKARANKOVIL, TENKASI DISTRICT.
CRIME NO. 28/2023.

2 SUMATHI

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant an order of interim stay of all further proceedings in C.C.No. 125/2024 on the file of the Judicial Magistrate, Sankarankovil pending disposal of the main petition.

Prayer in CRL OP(MD). 21437/ 2024 :

To call for the records relating to the proceedings in C.C.No. 125/2024 on the file of the Judicial Magistrate, Sankarankovil and quash the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S.SUNDARAPANDIAN, Advocate for the petitioners and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the 1st Respondent, while admitting the Criminal Original Petition, the court made the following order:-



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Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor takes notice for the first respondent.

2.Notice to the second respondent returnable by 13.01.2025. Private notice is also permitted.

3.The petitioners / A1 to A3 in C.C.No.125 of 2024, who are facing trial for the offences under Sections 294(b), 498(A), 506(ii) and 352 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 case against the petitioners revolves around the relationship between the first petitioner and the second respondent/de-facto complainant, who were married on 22.05.2015. After the marriage, they lived together for one month, after which they got separated. Three months later, the second respondent returned to the matrimonial home, but once again left, and for a period of seven years, from 2015 to 2022, she lived separately. In 2022, the first petitioner claims that the second respondent returned to the matrimonial home, but the petitioners resisted her entry. Subsequently, the second respondent lodged a complaint on 05.02.2023, and a case was registered.

5.The learned counsel for the petitioners submitted that initially, the respondent Police found the complaint to be far-fetched, given the long separation of nearly



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seven to eight years between the parties, and deemed the complaint to be motivated and without merit. Therefore, the Police did not entertain the complaint. Later, the second respondent approached the Magistrate under Section 156(3) of the Criminal Procedure Code, and a formal complaint was filed. A charge sheet was subsequently filed, listing 12 witnesses, with L.W.1 to L.W.6 being from the same family, and all witnesses being formal witnesses, including Police officials. Upon perusal of the witness statements, it appears that most of them are hearsay. L.W.1, the de-facto complainant, is the only one who directly speaks about the dowry demands and harassment, while the other witnesses are only repeating what they heard from L.W.1.

6.The learned counsel for the petitioners further submitted that the first petitioner had filed H.M.O.P.No.99 of 2023 before the Principal Sub Court, Tenkasi, citing desertion and cruelty as grounds for divorce. On 31.08.2024, the learned Principal Sub Judge, Tenkasi, after a detailed examination of the case and the evidence, including testimony from the second respondent (who was examined as D.W.1), granted a divorce.

7.The learned counsel for the petitioners referred to the judgment of the learned Principal Sub Judge and submitted that the learned Principal Sub Judge had noted that the first petitioner and the second respondent had been living separately for the



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past eight years. In the evidence presented, the F.I.R. (Ex.D.1) and the Aadhar Card (Ex.D.2) were marked to show that the second respondent had been living separately during that time. She also admitted receiving all her jewels and other articles. In light of the said facts, the learned counsel submitted that the demand for dowry and retention of the de-facto complainant's property could not be substantiated.

8.Finding force in the above submissions, this Court is inclined to grant an order of interim stay of all further proceedings in C.C.No.125 of 2024, on the file of the Judicial Magistrate Court, Sankarankovil. Accordingly, interim stay is hereby granted.

sd/-
09/12/2024

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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 JUDICIAL MAGISTRATE, SANKARANKOVIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TENKASI DISTRICT.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
SANKARANKOVIL, TENKASI DISTRICT.

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

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ORDER

IN

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IN

CRL OP(MD) No.21437 of 2024

Date :09/12/2024

RS/VR/SAR-(17.12.2024) 5P 5C

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