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Crl.O.P.No.5126 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5126 of 2025

and

Crl.M.P.Nos.3280 and 3281 of 2025

1. Romesh Babu
2. Narayanamma
3. Kokila

... Petitioners

Vs

1. State by:
Inspector of Police,
W-25, All Women Police Station,
T.Nagar, Chennai.

2. Hemamalani (Died)

... Respondents

Criminal Original Petition is filed under Section 528 of B.N.S.S., to call for the records and quash the proceedings in C.C.No.7113 of 2014 on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai as against the petitioners.

For Petitioners : Mr.A.Nagarajan



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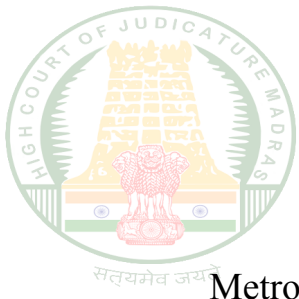
For Respondents : Mr.K.M.D.Muhilan,
Government Advocate (Crl.Side) for R1

ORDER

This petition is filed to quash the proceedings in C.C. No. 7113 of 2014 on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai, as against the petitioners.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the materials available on record.

2. The case of the prosecution is that the first petitioner and second respondent are husband and wife. A1/first petitioner is the son of the second petitioner and brother of the third petitioner. A complaint was lodged by the second respondent (since deceased) and the first respondent Police had registered a case in Crime No. 2 of 2014 as against the petitioners/A1, A3, and A4, and one Venkataraju/A4 for the offences punishable under Sections 323, 406, 420, 498(A), and 506(ii) of IPC. After completion of the investigation, the first respondent filed a final report before the learned



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Metropolitan Magistrate, Saidapet, Chennai in C.C. No. 7113 of 2014.

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Subsequently, A2 died on 08.03.2020.

2.1. Further, it is the case of the prosecution that the marriage between A1/first petitioner and the de facto complainant, viz., Hemamalini, was solemnized on 25.08.2006, as per Hindu Rites and customs, in the presence of relatives and friends of both families. At the time of marriage, the de facto complainant's parents had given 50 sovereign gold jewels, 30 lakhs worth diamond adherence, necklace, bangles, and a Skoda Car as marriage Seethanam to A1's family. The full marriage expenses of Rs.15,00,000/- were borne by the de facto complainant's father. The de facto complainant was living along with her husband and her in-laws at Chennai.

2.2. After one month from the marriage, A1 to A3 pledged the de-facto complainant's jewels to improve their business and the same was not returned to the de-facto complainant. Further, in the month of February 2007, on the instigation of A2 to A4, A1 sold the de-facto complainant's father's two acres of land to the tune of Rs.3 Crores and the same was taken by A1 to A3. Thereafter, A1 demanded money from the de-facto complainant



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and the same was denied by her. She was assaulted by A1 and while she was being assaulted, A4 caught hold of the hands of the de facto complainant. Finally, A1 received a sum of Rs. 55,00,000/- and Rs.25,00,000/- respectively from the de-facto complainant in the years 2010 and 2011 for his business. Thereafter, she insisted that A1 repay the amount, but A1 to A3 abused her with filthy language, assaulted her and threatened her with dire consequences.

3. The learned counsel for the petitioners would submit that after taking cognizance, the first petitioner and the second respondent lived together happily and he also produced a copy of the passport and photocopies showing that in the years 2017 and 2018, they went abroad along with their female child. Therefore, unfortunately, the second respondent fell ill due to renal failure. She was under the due care of the first petitioner. However, the treatment failed and she died on 21.12.2022. Therefore, the entire trial in C.C. No. 7113 of 2014 has been pending for the past 11 years. Hence, the pendency of the trial would not serve any purpose since the wife of the petitioner, viz., Hemamalini, died as early as 21.12.2022.



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4. In view of the above, in order to meet the ends of justice, the impugned proceedings cannot be sustained and it is liable to be quashed. Accordingly, the proceeding in C.C. No. 7113 of 2014 on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai, is hereby quashed.

5. In the result, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed.

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Index: Yes/No
Neutral Citation/Yes/No
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To

1. The XVII Metropolitan Magistrate,
Saidapet, Chennai.



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2. The Inspector of Police,
W-25, All Women Police Station,
T.Nagar, Chennai.

3. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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