

(2024) 04 MAD CK 0087

Madras High Court (Madurai Bench)

Case No: Criminal Original Petition (MD) No. 5172 Of 2024, Criminal Miscellaneous Petition (MD) No. 4073 Of 2024

Rajsantan And Others

APPELLANT

Vs

Inspector Of Police And Others

RESPONDENT

Date of Decision: April 3, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 406, 498(A)

Hon'ble Judges: B.Pugalendhi, J

Bench: Single Bench

Advocate: N.Anantha Padmanabhan, M.Thiru Kannan, E.Antony Sahaya Prabahar

Judgement

B.Pugalendhi, J

1. This criminal original petition has been filed seeking to quash the final report filed against the petitioner for the offences under Section 498(A) and 406 IPC.

2. The petitioners are accused Nos.1 to 4 in C.C.No.319 of 2024. The first petitioner is the husband of the defacto complainant and the second and third\ petitioners are the parents of the first accused. The fourth petitioner is the brother of the first accused.

3. The learned Senior Counsel appearing for the petitioners submits that the marriage between the first petitioner and the defacto complainant was solemnized in the month of November 2012. At the relevant point of time, the first accused and the defacto complainant were working at Scotland and due to some medical ailments of the defacto complainant both of them returned to India in the month of August 2014 and the defacto complainant also underwent treatment in the Cancer Institute and her Uterus was removed. The defacto complainant has filed a divorce application in H.M.O.P.No.489 of 2018, before the Family Court, Madurai, as if that the first accused had deserted her and a decree was also granted in her favour and an ex-parte decree was also ordered and divorce was granted to the defacto

complainant. After four days from the filing of the divorce application, the defacto complainant has also lodged a police complaint before the respondent police on 26.06.2017, with an allegation of dowry harassment and for the same, now the final report has been filed as if the petitioners had demanded dowry.

4.The learned Senior Counsel further submits that the defacto complainant has also married another person and living peacefully with that person. After examining the defacto complainant, the Social Welfare Officer recorded that from the statement of the defacto complainant, she could not infer that there was a harassment or any retention of jewels by the accused.

5.Issue notice to the second respondent, returnable in four weeks. Private notice is also permitted.

6.Post the matter after four weeks.

7.Since the petitioners have made out a prima facie case, there shall be an order of interim stay.