

## **D.Abirami vs J.Dinesh on 21 March, 2023**

**Author: G.Ilangoan**

**Bench: G.Ilangoan**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT DATED: 21/03/2023 CORAM:

THE HON'BLE MR JUSTICE G.ILANGOAN CrI.MP(MD)No.10608 of 2022 in  
CrI.OP(MD)No.9833 of 2022 D.Abirami : Petitioner/De-facto Complainant Vs.

1.J.Dinesh

2.Usha

3.Jeyam

4.Raju

5.Prasath : Respondents 1 to 5/A1 to A5

6.The State rep by The Inspector of Police, All Women Police Station, Thallakulam, Madurai District. : 5th Respondent/Complainant Prayer:-Criminal Original Petition is filed under section 439(2) r/w 482 of the Criminal Procedure Code, to cancel the anticipatory bail application granted by this court in CrI.OP(MD)No.9833 of 2022, dated 01/08/2022 and pass such other orders.

For Petitioner : Mr.K.Dinesh

For R1 to R4 : Mr.S.Sivaprakash

For 5th Respondent : Mr.S.Manikandan  
Government Advocate  
(Criminal side)

<https://www.mhc.tn.gov.in/judis> O R D E R This criminal original petition has been filed seeking cancellation of the anticipatory bail granted to the respondents 1 to 4 herein.

2.The facts in brief:-

The petitioner is the de-facto complainant in Crime No.23 of 2022, which was registered for the offences punishable under sections 498(A), 406, 294(b), 341, 506(i) IPC and section 4 of TNPHW Act, in which five persons have been arrayed as accused.

3.It is a matrimonial issue. The de-facto complainant has stated that she was harassed, criminally intimidated and demanded dowry. All the accused persons moved CrI.OP(MD)No.9833 of 2022. Anticipatory bail was granted to all the persons with some conditions.

4.After a prolonged time, this petition has been filed seeking an order to cancel the anticipatory bail, that was granted to all the accused.

5.The ground, on which this petition has been filed by the petitioner is that her husband, who is the 1st <https://www.mhc.tn.gov.in/judis> respondent herein did not even take care to provide maintenance to her and the children; Now They are in possession of gold chain and other ornaments. They have also refused to return the same; They are causing life threat; Now without any proper support, she and her children are living in a miserable situation; Even though, the matter was referred to the Mediation and Conciliation Centre, attached to this Bench, a false statement was given that no gold articles are available in the hands of the respondents 1 to 5.

6.Heard both sides.

7.Finding that now the main issue is only with regard to the return of the house hold articles, jewels, etc. The case was repeatedly adjourned asking the parties to exchange the above said articles, jewels, etc. At one point of time, even police protection was granted to the petitioner to take her belongs from the house of the husband. Later, a direction was issued to the accused to hand over the above said articles in the presence of the respondent police. In pursuance of the above said direction, now the accused persons handing over some articles.

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8.A list has also been given by the petitioner stating that she has received only a portion of the articles. The jewels and Rs.4,50,000/- of cash amount is lying in the hands of the accused and they have not returned.

9.Those factual circumstances cannot be taken into account at this stage and it is for the petitioner to work out her remedy before the matrimonial court, pending between the parties. Prolonging the matter without any progress may not be in the interest of the parties. So, I find no reason to recall the anticipatory bail order, in view of the above said development.

10.In the result, this criminal miscellaneous petition is dismissed.

21/03/2023 Index:Yes/No Internet:Yes/No er <https://www.mhc.tn.gov.in/judis> G.ILANGO VAN, J er in 21/03/2023 <https://www.mhc.tn.gov.in/judis> <https://www.mhc.tn.gov.in/judis>

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