



Crl.O.P.No.16227 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 29.06.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.16227 of 2026
and Crl.M.P.No.10686 of 2026

Sri Ramkumar

.. Petitioner

Versus

1. State rep by
The Special Sub-Inspector of Police,
Pudupettai Police Station,
Cuddalore District.
(F.I.R.No.62 of 2026)

2. Ananthi

.. Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023 to call for the records and quash the F.I.R in Crime No.62 of 2026 on the file of the 1st respondent/Police viz: The Special Sub-Inspector of Police, Pudupettai Police Station, Cuddalore District as an abuse of process of the Court.

For Petitioner : Mr.T.R.Sivaram

For Respondents : Mr.R.Rajasekaran,
Counsel for Government of Tamil Nadu
(Criminal Side), for R1



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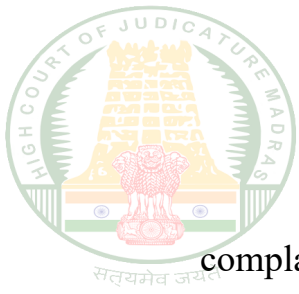
ORDER

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This Criminal Original Petition is filed to quash the F.I.R in Crime No.62 of 2026 on the file of the first respondent Police.

2. Upon hearing the learned Counsel for the petitioner and perusing the material records of the case, the grievance of the petitioner is that the second respondent, being the wife of the petitioner, is abusing the proceedings and has lodged the present complaint. The present complaint, filed under Sections 294(b), 506(i) and 406 of the Indian Penal Code, is filed by making false accusations. No such occurrence had actually taken place with reference to Section 406 of the Indian Penal Code.

3. The learned Counsel would submit that firstly, the two allegations that are contained in the F.I.R is that the jewels are in the custody of the petitioner and secondly, some money had been deposited in the petitioner's account. As far as the jewels are concerned, it is the stand of the petitioner that for safe custody, the wife herself has entrusted the same and the same is only in the locker. Even in the Domestic Violence Petition, she has categorically said that the in-laws have got 38 sovereigns of jewels. Now, she embellishes and makes a false accusation in the

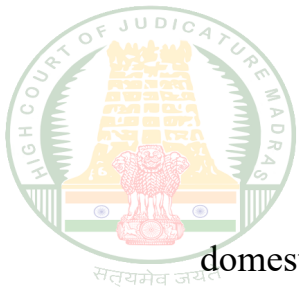


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complaint that as if 48 sovereigns are entrusted to the petitioner and that too have been misappropriated by them.

4. The term 'entrustment', with reference to Section 406 of the Indian Penal Code is a definite term and during the course of the companionship, when the husband and wife were in joint exercise of material transactions, the same cannot be treated as an entrustment. The learned Counsel would place strong reliance on the judgment of the Hon'ble Supreme Court of India in ***Dara Lakshmi Narayana & Ors. Vs. State of Telangana & Anr.***¹, more specifically, relying upon paragraph No.21 to contend that whenever a belated complaint is filed after initiation of divorce and other proceedings, it is nothing but a retaliation and is an abuse of process of law and the Courts have a duty to look at the F.I.R and have to quash the same. The learned Counsel, in addition, would also say that while lodging the complaint, the de facto complainant has also come up with clear falsehood in direct violation of her petition of domestic violence and therefore, the complaint, on the face of it, smacks malafide and vindictive attitude only to persecute the petitioner with no genuine intention. Similar relief for return of jewels has also been prayed for in the

¹ 2024 INSC 953



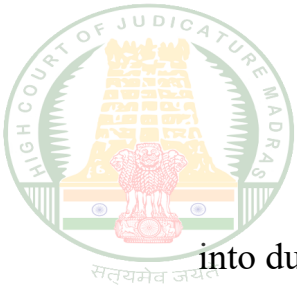
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domestic violence proceedings.

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5. I have considered the rival submissions made and perused the material records of the case.

6. There is no quarrel over the proposition that if general and frivolous allegations are made, that too after initiation of the divorce and other proceedings, the same would readily smack vindictive attitude and abuse of the criminal jurisdiction, especially, in matrimonial matters relating to offence under Sections 498-A and 406 of the Indian Penal Code and Section 4 of Dowry Prohibition Act and other offences when unscrupulous allegations are levelled against the husband and the in-laws. However, as far as the present case is concerned, the specific allegation is that 48 sovereigns of jewels and Rs.42,00,000/- have been kept in the custody of the petitioner and his parents and the same amounts to criminal misappropriation. Even as per the case of the petitioner, the lesser quantity of jewels is available and the transfers were made in the bank account of the petitioner when they were in the normal relationship as any other husband and wife. Therefore, the questions as to whether it would amount to entrustment and whether it is misappropriated or not, all have to be gone



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into during the course of the investigation and I am of the view that so long as the admitted gold jewels are not returned to the wife, the contention made that the entire complaint is with an ulterior motive only to wreck vengeance on the in-laws and not with any genuine intention of prosecution or with any grievance, cannot be countenanced.

7. Accordingly, leaving open all the contentions to be raised before the Investigating Officer and the Investigating Officer to consider the facts dispassionately during the course of investigation, the Criminal Original petition to quash the very F.I.R is not entertained and as such, the same is dismissed. Consequently, connected miscellaneous petition is closed.

29.06.2026

Neutral Citation : no
grs

To

1. The Special Sub-Inspector of Police,
Pudupettai Police Station,
Cuddalore District.
2. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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