



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2026

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THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD).No.4297 of 2025
and Crl.M.P(MD).Nos.3045 and 3046 of 2025

Mari

...Petitioner

Vs.

1.State of Tamil Nadu,
The Inspector of Police,
AWPS Thallakulam,
Madurai City.
Crime No.8 of 2019

2.Saraladevi

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the impugned charge sheet in C.C.No.220 of 2021 on the file of the learned Judicial Magistrate cum Additional Mahila Court, Madurai and quash the same as illegal.

For Petitioner : Mr.K.Sivabalan
for M/s.Aran Legal Consultancy
For R1 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)



ORDER

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Seeking quashment of the final report laid in C.C.No.220 of 2021 on the file of the learned Judicial Magistrate cum Additional Mahila Court, Madurai, this criminal original petition is filed.

2.The learned counsel for the petitioner submitted that the petitioner is a senior citizen of age 76 years and he is the second accused in the pending trial in C.C.No. 220 of 2021. The case of the prosecution is that the marriage between the defacto complainant and son of the petitioner, who is the first accused, was conducted on 05.02.2011 at Thiruparankundram Murugan Temple, which is the second marriage for the petitioner's son as well as the defacto complainant are concerned. During marriage the parents of the defacto complainant had given 75 sovereigns of gold jewels to the defacto complainant, 10 sovereigns of gold to the first accused and household articles worth of Rs.5,00,000/- as dowry. However, in due course of time, due to matrimonial discord between the first accused and the defacto complainant at the instigation of the second accused, the defacto complainant was subjected to continuous harassment, dowry demand and domestic violence.

3.In the meanwhile, in 2013, a male child was born to the couple. However, the first accused failed to visit the child. The first accused has preferred a petition in H.M.O.P.No.30 of 2015 for restitution of conjugal rights on the file of the Family



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Court, Madurai, following which, the first accused had taken the defacto complainant to his house with the condition that none of the defacto complainant's family members should visit the house of the first accused. While so, she got pregnant again. However, the physical and mental harassment continued at the instance of the petitioner and other persons and also the first accused demanded an additional dowry of Rs.5,00,000/- and all the accused persons together had sold away 30 sovereigns of gold jewels belonging to the defacto complainant. Thereafter, the first accused filed a divorce application in H.M.O.P.No.889 of 2018 before the Family Court, Madurai. Hence, a complaint was given by the defacto complainant, following which, FIR in Crime No.8 of 2019 was registered for the offences under Sections 498(A), 294(b), 323, 354A and 406 of IPC. On completion of investigation, final report was laid in C.C.No.220 of 2021 before the learned Judicial Magistrate cum Additional Mahila Court, Madurai. A careful reading of the charge sheet itself would make it clear that the allegations are bald, vague and sweeping. No specific overt act for the aforesaid offences can be made out as against the petitioner herein, who is the 2nd accused and sought for quashment of the final report.

4.The learned Government Advocate(Crl.side) categorially drew my attention to the contents of the first information report and the charge sheet, where the allegations of sexual abuse, harassment and physical assault has been mentioned and he categorically contended that the offences charged as against the petitioner are



clearly made out. Further, he pointed out that already trial has commenced and one of the witnesses, P.W.1, has already been examined and hence, the petitioner should necessarily face the ordeal of trial and sought for dismissal of this petition.

5. Heard the learned counsel on either side and carefully perused the materials available on record.

6. The inherent powers preserved under Section 482 of Cr.P.C., / 528 of BNSS are intended to prevent the abuse of process of Court and to secure the ends of justice. At the time of considering quashment of final report, this Court is required to examine whether the uncontroverted allegations made in the final Report and the materials accompanying it disclose *prima facie* evidence on the face of the record. In the present case, a careful perusal of the final report would make it clear that pursuant to the matrimonial discord, which had arisen between the petitioner's son and the defacto complainant during the period when the defacto complainant had gone for first delivery, she had lodged complaint as against her husband and all the other in-laws, including the petitioner herein. In the interregnum, the differences were brushed aside and the defacto complainant lived with her husband, out of which, she became pregnant again. Thereafter, indifference had crept in, as a result of which, she had lodged complaint, in which the petitioner, who is the father-in-law of the defacto complainant has been roped in.



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7. A careful perusal of the final report and the materials available on record reveal that the allegations against the petitioner are bald, general, vague and sweeping in nature. No specific overt act specifically made out in any of the instances, in any of the prosecution narrative either in the FIR or in the charge sheet. Even if the entire prosecution case is accepted as it stands, the essential ingredients of offences alleged conspicuously absent as far as the petitioner, who is the 2nd accused is concerned. The dispute between the parties appears to be a matrimonial indifference between the first accused and the defacto complainant and the invocation of criminal law in the present facts as against the petitioner herein, who is the 2nd accused /the father-in-law of the defacto complainant amount to giving criminal colour to a matrimonial dispute between the son of the petitioner and the defacto complainant. Allowing the prosecution against the petitioner to continue would serve no fruitful purpose, except subjecting the petitioner to continuous unnecessary harassment. Criminal law cannot be permitted to be used as a tool for arm-twisting or to settle scores between private parties, more particularly, in a matrimonial dispute, which has arisen between the husband and wife, so as to facilitate criminal action as against the other elders of the family, other in laws of the family, more particularly, father-in-law and mother-in-law and When the foundational facts do not constitute the offence charged as against the petitioner, compelling the petitioner to undergo the ordeal of trial would amount to abuse of



process of law. Accordingly, the impugned charge sheet in C.C.No.220 of 2021 on the file of the learned Judicial Magistrate cum Additional Mahila Court, Madurai, is quashed as far as the petitioner alone is concerned. The learned Trial Court is directed to proceed trial as against other accused persons and conclude the same, as expeditiously as possible, within a period of six(6) months from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petitions are closed.

19.02.2026

NCC : Yes / No
Index : Yes / No
Rmk

To

- 1.The Judicial Magistrate cum Additional Mahila Court, Madurai.
- 2.The Inspector of Police,
AWPS Thallakulam,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Rmk

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