

Crl.OP(MD).No.8635 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 01.07.2026

ORDER PRONOUNCED ON : 06.07.2026

CORAM

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.8635 of 2026

and

Crl.M.P(MD)No.9200 of 2026

1.V.S.Krishnan

2.Panchavarnam

3.Vinoth Babu

4.Gayathri

....Petitioners 1 to 4/Accused 2 to 5

Vs

1.The State of Tamil Nadu
Rep.by the Inspector of Police
AWPS Thirumangalam
Viruthunagar District
Crime No.22 of 2025

....1st Respondent/Complainant

2.Santhiya

....2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the impugned criminal case in Crime No.22 of 2025 pending on the file of the first respondent police for the petitioners concerned and quash the same.



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For Petitioners : Mr.R.Jegadeeshwaran
For Respondents : Mr.P.Samuel Gunasingh
Government Advocate(Crl.side) for R1
:Mr.A.Sivasubramanian for R2

ORDER

The present petition has been filed by Accused Nos.2 to 5 in Crime No. 22 of 2025 on the file of the first respondent police seeking to quash the F.I.R wherein they are alleged to have committed an offence under Sections 498(A), 406, 294(b) and 506(i) I.P.C.

(A).Factual Background:

2.The first accused is the husband of the defacto complainant. Accused Nos.2 and 3 are the parents-in-law of the defacto complainant. Accused Nos.4 and 5 are the brother-in-law and his wife of the defacto complainant.

3.A perusal of the F.I.R reveals that the defacto complainant had got married to the first accused on 01.06.2023 and they were residing at Bangalore due to avocation and they are blessed with a male child. It is alleged in the F.I.R that on 23.05.2025, when the couple reached their native place to attend a function, the husband has taken and retained 27 sovereigns of gold. When the defacto complainant questioned the same, the husband is said to have attacked and threatened the defacto complainant in the presence of the parents-in-law (A2 and A3).



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4. It is further alleged in the F.I.R that on 09.06.2025 the husband had left the defacto complainant at her parental home. Several efforts were taken by the defacto complainant to search for the jewel at their Bangalore house which was not successful. Thereafter, she had sent a legal notice to the owner of the house requesting him to not to handover any articles or jewels to her husband or his relatives.

5.It is further alleged in the F.I.R that on 15.06.2025 at about 7.00 p.m, accused Nos.4 and 5 have come to the parental home of the defacto complainant, abused her and threatened her. It is further alleged that accused No.1 is having extra marital relationship and the defacto complainant has prayed for initiating action as against Accused Nos.4 and 5. Seeking to quash the said F.I.R, the present petition has been filed.

(B).Submissions of the counsel appearing on either side:

6.According to the learned counsel for the petitioners, the defacto complainant has lodged a complaint before the Thiruthangal Police Station on 10.06.2025 wherein there is no allegation as against any of the accused persons and she has not stated anything about missing of the jewels. He further relied upon a legal notice sent by the defacto complaint to the owner of the house of Bangalore alleging that the if jewels were found in the house and it should not be handed over to the husband or his relatives. He also relied upon a complaint lodged before the first respondent wherein there is no



allegation as against the parents-in-law.

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7. According to the learned counsel appearing for the petitioners, vague allegations have been made as against the parents-in-law and the other relatives namely Accused Nos.4 and 5 and therefore, the F.I.R is liable to be quashed.

8. Per contra, the learned counsel for the second respondent submitted that there are specific allegations in the F.I.R that the jewels were entrusted to the parents-in-law and in such circumstances, when prima facie case is made out for invoking Section 406 of I.P.C, the F.I.R cannot be quashed as against them. He had further pointed out that the specific overtacts have been alleged as against A4 and A5 and in such circumstances, the investigation cannot be interdicted. Hence, the petitioners may be directed to face the trial.

9. Heard the learned counsel appearing on either side and perused the material records.

(C).Discussion:

10. A perusal of the F.I.R clearly reveals that Accused No.1 who is the husband of the defacto complainant is said to have taken 27 sovereigns of jewels with him and he had attacked the defacto complainant in the presence of A2 and A3 (parents-in-law). There is no allegation as against the parents-in-law who are arrayed as Accused Nos. 2 and 3 in the entire F.I.R.



11.As far as Accused Nos. 4 and 5 are concerned, the specific overtacts have been alleged as against them in the F.I.R. Whether such an incident had taken place on 15.06.2025 or not, is the subject matter of investigation. In such circumstances, this Court is not inclined to quash the F.I.R as against Accused Nos.4 and 5 who are arrayed as 3rd and 4th petitioners herein.

12.The Hon'ble Supreme Court in a judgment reported in **2026 SCC Online SC 933 (Arti Mehta and others Vs.State of Madhya Pradesh and Another)** in paragraph Nos.28, 29, 30 and 43 has held as follows:

“28. What, therefore, emerges from a cumulative reading of the FIR and the divorce petition is that while there are specific allegations against the husband relating to physical assault, verbal abuse, neglect and suspicious conduct, the allegations against the present appellants remain bald, generalised, and devoid of material particulars. No independent or specific role has been attributed to any of the present appellants so as to disclose prima facie commission of offences under Sections 498A/34 IPC or Sections 3 and 4 of the Dowry Prohibition Act. The allegations against them appear to be omnibus assertions made on account of their relationship with the husband rather than on the basis of any distinct criminal acts allegedly committed by them.

29. It is a matter of common judicial experience that matrimonial disputes are often accompanied by heightened emotions, strained relationships and deep-seated personal

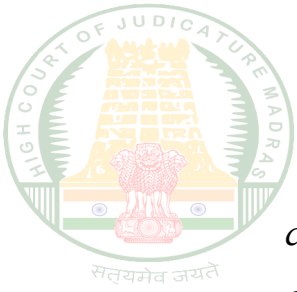


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grievances. In such circumstances, complaints alleging cruelty and harassment frequently tend to implicate not only the spouse but also the entire family of the spouse, including those relatives who may have had little or no active role in the matrimonial discord. Quite often, family members who may have remained passive spectators, failed to intervene, or merely sided with one party in a domestic disagreement, are also arrayed as accused. However, mere familial association with the husband, or failure to support the complainant in a marital dispute, cannot by itself constitute a criminal offence in the absence of specific allegations disclosing active participation in acts amounting to cruelty, harassment or unlawful demand of dowry.

30. It must also be borne in mind that when matrimonial relationships deteriorate and bitterness sets in, there is a natural tendency for allegations to be amplified or broadly worded out of anger, frustration or emotional distress. While the anguish of a complainant in a failed marriage cannot be lightly disregarded, equally, criminal law cannot be permitted to be set in motion against every relative of the husband merely on the basis of generalised and omnibus allegations lacking a specific factual foundation. Courts, therefore, are required to exercise greater caution and carefully scrutinise whether the allegations genuinely disclose the commission of cognizable offences against each accused individually, lest the criminal process itself becomes a tool of harassment and misuse

43. However, while safeguarding the rights and dignity of victims of domestic violence remains of paramount importance,



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courts are simultaneously required to ensure that the rigours of criminal law are not indiscriminately extended to every member of the family without a clear factual foundation. In prosecutions arising out of matrimonial disputes, the allegations against each accused must be specific, distinct and supported by prima facie material indicating active involvement in the alleged acts of cruelty, harassment or unlawful demand of dowry. Mere allegations that family members “supported” the husband, failed to intervene, or advised the complainant to adjust in the matrimonial relationship, without anything further, would not ipso facto attract criminal liability. There may indeed be situations where certain relatives remain passive spectators or fail to come to the aid of the complainant; however, such conduct, though morally questionable, cannot automatically be elevated to the status of criminal culpability unless the surrounding circumstances clearly disclose their active complicity or participation in the alleged offences.

13.The facts when they are scanned in the light of the judgment of the Hon'ble Supreme Court, it is clear that the allegation as against A2 and A3 is that they were spectators for the abuse and attack committed by the husband. There is no allegation that the jewels were entrusted to Accused Nos.2 and 3 or they have stolen or retained them. In fact, there is specific allegation in the F.I.R that the jewels were taken away only by the husband. In such circumstances, the question of invoking Section 406 of I.P.C does not arise.



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14.In the light of the above said deliberations, the F.I.R as against the parents-in-law (A2 and A3) is only an abuse of process of law and therefore, the same is liable to be quashed as against them. However, as regards Accused Nos.4 and 5, there are no merits and the same stands dismissed.

(D).Conclusion:

15.The impugned F.I.R stands quashed as against accused Nos.2 and 3 and this Criminal Original Petition is partly allowed. Insofar as Accused Nos. 4 and 5 are concerned, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

06.07.2026.

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
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To

1.The Inspector of Police
AWPS Thirumangalam
Viruthunagar District
Crime No.22 of 2025

2.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai



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R.VIJAYAKUMAR, J.

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