



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.04.2017
CORAM:

THE HONOURABLE MR.JUSTICE **P.N.PRAKASH**

WEB COPY

Crl.O.P.(MD)No.4903 of 2017
and
Crl.M.P.(MD)No.3471 of 2017

1.Ravishankar
2.John Mathalai
3.Arockia Mary
4.Vijai Ananth

: Petitioners/Accused Nos.1 to 4

Vs.

1. State rep.by
The Inspector of Police,
All Women Police Station,
Lalkudi,
Trichy District.
In Cr. No.4 of 2016.

:1st Respondent/Complainant

2.Kavitha

: 2nd Respondent/De-facto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the impugned F.I.R in Crime No.4 of 2016 dated 05.11.2016 in so far as petitioners' concern on the file of the 1st respondent police and quash the same as illegal.

For Petitioner : Mr.S.Vinayak
For Respondent 1 : Mr.A.P.Balasubramani
Government Advocate (Crl.side)

O R D E R

On the complaint lodged by the 2nd respondent, the first respondent police registered a case in Crime No.4 of 2016 on 05.11.2016 for offences under Sections 420, 498(A), 506(i) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act 1961 against 7 accused, challenging which, the accused 1 to 4 are before this Court.

2.Heard the learned counsel for the petitioners and learned Government Advocate for the 1st respondent.

<https://hcservices.ecourt.gov.in/hcservices/> M/s.A.Rathinambal, Inspector of Police, All Women Police Station, Lalgudi is also present before this Court.



4. On a perusal of the FIR, it is seen that FIR itself has been registered based on the direction issued by the Judicial Magistrate, Special Additional Mahila Court, Trichy in CrI.M.P.No.7008 of 2016 under Section 156(3) Cr.P.C. It is alleged by the 2nd respondent that she got married to one Ravishankar (A1) on 09.06.2014 and at the time of marriage, they demanded lot of money and dowry and continue to demand more. It is further alleged by her that Ravishankar has failed in 10th Standard examination.

5. The learned counsel for the petitioners submitted that Ravishankar has passed 10th standard examination and subsequently, he obtained the Technical Teacher's Certificate in Drawing and he is now working as a Drawing Teacher in Government High School, Trichy. Therefore, it is obvious that he has passed 10th standard and the allegations made in the FIR are false. That apart, the learned counsel for the petitioners brought to the notice of this Court that the report dated 06.04.2017 of the District Social Welfare Officer addressed to the Inspector of Police clearly states that there has not been any demand of dowry as alleged by the de-facto Complainant in the present case. It is also seen that Ravishankar (A1) has been assaulted by Kavitha's Family, on account of which, a case in Crime No.174 of 2017 dated 18.03.2017 under Sections 294(b), 323, 506(i) of the Indian Penal Code has been registered against Kavitha and her family members.

7. On a conspectus of the facts obtaining in the case, this Court is of the view that the present prosecution in Crime No.4 of 2016 has been engineered in such a way that all the family members of Ravishankar have been falsely implicated as accused. When the matter was referred to the Mediation Centre, the demand of Kavitha was that Ravishankar should set up a separate home and leave the joint family, which was not agreeable to Ravishankar. In Arnesh Kumar vs. State of Bihar [2014 (8) Scale 250], the Hon'ble Supreme Court has noted the tendency of the wives to lodge false complaints against all the family members of husband and harass them. This case appears to be one such case. However, this Court directs the Deputy Superintendent of Police, Lalgudi Sub Division, Trichy to monitor the investigation in Lalgudi Police Station Crime No.4 of 2016 and if the allegations found therein are false, it is needless to state that the FIR against the accused shall be closed.

With the above direction, this petition is closed. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)



1. The Judicial Magistrate,
Special Additional Mahila Court,
Trichy.
2. The Inspector of Police,
All Women Police Station,
Lalkudi,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:

Deputy Superintendent of Police,
Lalgudi Sub-Division, Trichy.

+1cc to M/S.A.JOEL PAUL ANTONY, Advocate SR.No. 53546

Order made in
Crl.O.P.(MD)No.4903 of 2017
and Crl.M.P.no.3471/2017
Dated:24.04.2017

JM/MR/SAR 4/08.05.2017/3P/6C