



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2019

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRL.O.P.(MD)No. 1882 of 2016

and CRL.M.P.[MD] No. 973 of 2016

and CRL MP(MD)No.9744 of 2017

1. Sheik Mohammed
2. K.A. Abdul Kadar
3. Asma
4. Aameena

... Petitioners /Accused No.1 to 4

Vs.

1. The State represented by
the Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli District, Tirunelveli.

... Respondent/Complainant

2. Thasleema Begam

... Respondents/Defacto Complainant

PRAYER : Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the Crime No.19 of 2015, on the file of the Inspector of Police, All Women Police Station, Palayamkottai, Tirunelveli District, Tirunelveli and quash the same.

For Petitioners : Mr.S. Palanivelayutham

For Respondent-1 : Mr. A. Robinson
Government Advocate (Crl. Side)

For Respondent-2 : Mr. S.R.A. Ramachandran

ORDER

This Criminal Original Petition has been filed by the petitioners to quash the proceedings initiated against them in Crime No.19 of 2015, on the file of the first respondent police, which was instituted at the instance of the second respondent.

2. The first petitioner is the husband of the second respondent and the petitioners-2 to 4 are the in-laws of the second respondent. Alleging that the petitioners herein harassed her and demanded dowry, the second respondent has lodged a complaint, based on which the first respondent police registered a case in Crime No.19 of 2015 for the offences punishable under Sections 498(A), 294(b), 506(i) of I.P.C., and Section 4 of the Tamil Nadu Dowry



Prohibition of Harassment of Women Act.

3. According to the petitioners, as the complaint given by the second respondent relates to dowry demand, the same was forwarded to the District Social Welfare officer, who, in turn, after enquiry, has given a report, dated 30.11.2015 stating that there was no dowry harassment. Since the District Social Welfare Officer himself has negatived the second respondent's allegations, the first respondent police ought not to have registered a case based on the complaint lodged by the second respondent and therefore, the petitioners pray for quashing the proceedings in Crime No.19 of 2015, on the file of the first respondent police.

4. Heard the learned Counsel appearing on either side and perused the documents placed on records.

5. This Court is not in a position to accept the stand taken by the petitioners for the reasons stated below.

6. This Court, in several cases, has categorically held that there is no prohibition for registering a case under the provisions of the Dowry Prohibition Act, contrary to the report of the Social Welfare Officer. This is just because a report of the District Social Welfare Officer, as such, it is only the opinion of the officer, which is not conclusive or binding on any Court. It is only a step in aid in the process of investigation and it is for the investigating agency to conduct the investigation and file the final report, after collecting necessary materials. Therefore, on this sole ground the case in Crime No.19 of 2015 cannot be quashed.

7. Besides, the case in Crime No.19 of 2015 was registered not only for the offence under Section 4 of Tamil Nadu Dowry Prohibition of Harassment of Women Act, but also under Sections 498 (A), 294(b) & 506(i) I.P.C., which needs to be investigated by the investigating agency and therefore, this Court is not inclined to quash the proceedings in Crime No.19 of 2015 *in limine*.

8. In such view of the matter, this Criminal Original Petition is dismissed. Considering the long pendency of the proceedings, the first respondent police is directed to conduct the investigation and after recording the statement of witnesses, file the final report, as expeditiously as possible, in the manner known to law. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

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To

1. The Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli District, Tirunelveli.

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

Crl.O.P. (MD) No.1882 of 2016
01.03.2019

DB (CO)
TR (24.06.2019) 3P 3C