



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 05.04.2019

PRONOUNCED ON :04.07.2019

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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Crl.O.P. (MD)No.2464 of 2016

and

CRL MP (MD)Nos.1220 of 2016 and
1158 and 1159 of 2017

- 1.Valliammal
- 2.Pooptahi
- 3.Pitchaimani
- 4.Meena @ Meenatchi
- 5.Parameshwari
- 6.Thangam @ Thangaraj
- 7.Marimuthu
- 8.Sakthivel @ Sakthi
- 9.Thaiyumanavan

... Petitioners / Accused No.2 to 10

Vs.

- 1.State represented by
Inspector of Police,
All Women Police Station,
Sattur,
Virudhunagar District.
[in Crime No.2 of 2016]

... 1st Respondent / Complainant

- 2.Umarani

... Respondent / *De facto* Complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records Crime No.2 of 2016, on the file of the 1st respondent and quash the same against the petitioners herein.

For Petitioners : Mr.P.T.R.Ramesh Raja

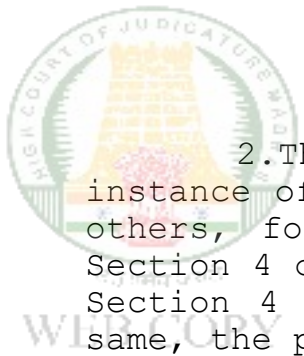
For Respondent : Mr.R.Anandraj,

Additional Public Prosecutor
for - 1

: Mr.A.Thiruvadikumar
for -2

ORDER

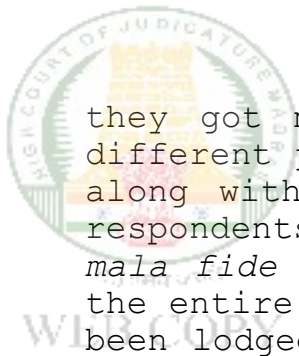
This petition has been filed by the accused 2 to 10 in Crime No.2 of 2016, on the file of the 1st respondent Police to quash the complaint pending against them.



2.The case in Crime No.2 of 2016 has been registered at the instance of the 2nd respondent, as against these petitioners and two others, for the offence punishable under Sections 498(A) IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, and Section 4 of the Dowry Prohibition Act, 1961 and challenging, the same, the petitioners have filed this criminal original petition.

3.The complaint runs to ten pages, and the crux of the complaint is that the complainant's marriage with Accused No.1 Subramaniam was solemnised on 02.09.2009 at Kallamanayakkanpatti, Virudhunagar District. At the time of marriage 35 sovereigns of jewels, Rs.50,000/- and other household articles were given as dowry. After the marriage, they went to Singapore and lived together. She also conceived and therefore, returned to India on 06.08.2010 and gave birth to a female child namely Rishihanj. After the child birth, her husband Subramaniam visited for once and did not take care of her, as he expected male child and he started neglected the *de facto* complainant. The complainant went to Singapore on 16.01.2012, and since her husband Subramaniam has not accepted, she started residing in one Kumaresan's house at Singapore and as her husband did not take care of her, she started working and the same was also opposed by her husband at the instance of the petitioners 2 to 5. The said Subramaniam demanded dowry of Rs.30,00,000/-. The alleged demand made by the husband was informed to the petitioners and when she along with her parents, informed about the harassment to the petitioners, they also said to have demanded the money and and if not, she had to live separately. Got disappointed with the reply, they returned home. Thereafter, A1 had not contacted her for one year. However, she went to Singapore again and she was harassed by her husband. On 29.05.2015, her husband sent them to Chennai, on account of his father's anniversary on 20.06.2015 and she went to her parental home. But, her husband straightaway went to his house and when her parents and relatives, asked her in-laws, about the harassment caused to her, the petitioners had beaten her by using filthy words and pushed them down. Due to which, her daughter got fracture in right hand. After some compromise talks, she went to Singapore on 01.07.2015 and however, the dispute between them continued. On 20.11.2015, A1 along with his wife and child came to Chennai and in the Airport itself, he had left them and went along with this brothers- in- law. She somehow with the help of her father's friends managed to reach her parental home. For all these years she had tolerated all the harassment caused to her, but the husband was planning for a second marriage. Due to such activities of the petitioners, the respondent was put to mental agony and even she attempted to commit suicide and hence, she lodged the complaint against the accused.

4.The learned Counsel for the petitioners submitted that the 1st petitioner is the mother-in-law of the *de facto* complainant and
<https://hcservices.hcourtsgov.in/hcservices/>. The petitioners 2 to 5 are the sisters-in-law and



they got married and are living separately with their family at different places. Therefore, the petitioners 2 to 9 were not living along with the 1st accused and these facts are not denied by the respondents 1 and 2. The complaint is filed with *mala fide* and ulterior motive to wreak vengeance upon the husband, the entire family members are roped in as accused. The complaint has been lodged without even mentioning any date or time indicating the alleged occurrence. The averments in the FIR show that the *de facto* complaint disliked her husband spending money for his ailing father and she also disliked the money spent for last rituals of his father, which means, she expected her husband not to spend money for his father and such expectation is highly unreasonable and that is also one of the reasons for their strained relationship, which, lead to the roping of her in laws in the case. It is alleged that the sisters-in-law had harassed her, while she enquired about the advertisement regarding the 2nd marriage, but, it is to be noted that during the relevant point of time, she was in Singapore and the sisters-in-law were residing at various places in India and hence, the allegation that they together had a conversation with regard to the second marriage is highly improbable.

5.The learned Counsel for the 2nd respondent submitted that whether the allegations levelled in the FIR are true or false is a question of fact, which has to be investigated by the 1st respondent and the failure on the part of the informant / *de facto* complainant in mentioning the specific instances with exact date and particulars, cannot be a reason to quash the FIR and on the said ground, the investigation cannot be stalled and the FIR is not an encyclopedia. The 2nd respondent has categorically submitted that only at the instances of the petitioners herein, she had been chased out of the matrimonial home and in fact the petitioners had actively participated in harassing the wife and the FIR contains overt act against them. It is submitted that the 2nd respondent had filed MC No.10 of 2016 before the learned Judicial Magistrate No.I, Ponneri and by order dated 19.05.2017, the learned Magistrate directed the 1st accused to pay a sum of Rs.8,000/- per month each as maintenance to the 2nd respondent and the minor child, however, the 1st accused has not complied with the order so far. The 1st accused has also filed HMOP No.140 of 2016 before the Family Court, Thiruvalluvar and the same was dismissed for *de fault*, which shows the conduct of the 1st accused and the investigation has almost been completed by the 1st respondent and hence, the learned Counsel for the 2nd respondent prays for dismissal of the criminal original petition.

6.Heard the learned Counsel for the petitioners and the learned Counsel for the respective respondents and perused the materials.



7. Admittedly, the marriage between one Subramanian / 1st accused and the 2nd respondent was solemnised on 02.09.2009 and they started living in Singapore. On account of her pregnancy, she returned to India on 19.05.2010 and a female child was born on 06.08.2010. Again on 16.01.2012, she went to Singapore. On 14.07.2013 she returned to India.

8. According to the *de facto* complainant, her husband demanded Rs.30,00,000/- for buying new house and when she informed about the harassment caused to her, the mother-in-law and the sisters-in-law, asked them to meet out the demand of Rs.30,00,000/- made by her husband. After the death of her father-in-law, she went to the matrimonial house and informed about the demand made by them, the husbands of the sisters-in-law, had beaten them and they have not allowed them to enter into the house.

9. According to the petitioners the allegations levelled by the *de facto* complainant are false and vague in nature and according to the *de facto* complainant, FIR is not an encyclopedia and the truth or otherwise of the allegations is a matter for investigation.

10. Considering the facts and circumstances of the case, this Court is of the view that this is a matter for investigation and therefore, this Court, by exercising its jurisdiction under Section 482 Cr.P.C., is not inclined to interfere at the threshold stage. Hence, this Criminal Original Petition is dismissed with a direction to the first respondent police to proceed with the investigation and conclude the same within a period of three months from the date of receipt of a copy of this order. The first respondent police, shall conduct the investigation in a fair and impartial manner and also consider the grounds raised by the petitioners in this petition before arriving at a conclusion and at the time of investigation, they shall not harass the petitioners under the guise of enquiry. Consequently, connected miscellaneous petitions are closed.

Sd/-

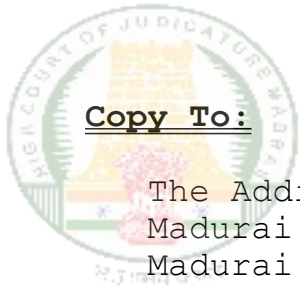
Assistant Registrar (Crl.side)

/ True Copy /

Sub Assistant Registrar (CS-)

To

The Inspector of Police,
All Women Police Station,
Sattur,
Virudhunagar District.



Copy To:

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

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+1 CC to M/s.A.THIRUVADI KUMAR, Advocate
(SR-73634[F] dated 05/07/2019)

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04 .07.2019

dsk

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