



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cr1.OP.(MD)No.6152 of 2020

and

Cr1.MP.(MD)No.3225 of 2020

WEB COPY

1.Maharajan
2.Subbulakshmi
3.Pappa @ Sundari

... Petitioners / A1 to A3

Vs.

1.State rep by
The Inspector of Police,
All Women Police Station,
Tirunelveli, Tirunelveli District.
Crime No.4 of 2020

... Respondent No.1 / Complainant

2.Shanmugasundari ... Respondents No.2 / Defacto Complainant

Prayer: Petition filed under Article 482 of the Criminal Procedure Code to call for the records of the First Information Report in Crime No.4 of 2020, on the file of the first respondent and quash the same.

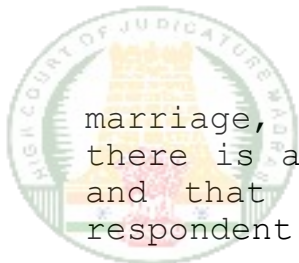
For Petitioners : Mr.S.Krishnan
For R.1 : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed by the petitioners / accused to quash the proceedings pending against them in Crime No.4 of 2020, on the file of the first respondent / Inspector of Police, All Women Police Station, Tirunelveli.

2. The case of the prosecution, in brief, is as follows:

2.1. The first petitioner / first accused is the husband of the second respondent / defacto complainant. The second petitioner is the sister of the first petitioner and the third petitioner is the mother of the first petitioner. The marriage between the first petitioner and the second respondent was solemnized on 06.11.2016 and out of their wedlock, they gave birth to two male children. According to the second respondent, during their marriage, her parents have provided 65 Sovereigns of gold jewels and also Seethana articles, worth rupees Two Lakhs. Her case is that, after the



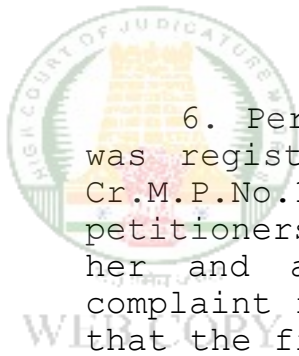
marriage, the petitioners started torturing her, by claiming that there is a shortage in the jewels brought by the second respondent and that the jewels are very old model. Therefore, the second respondent has exchanged the jewels by investing around Five Lakhs.

2.2. It is her further case that before the marriage, she was informed that the first petitioner is doing finance business in Chennai and also running a Travels. But, after the marriage, she came to know that the first petitioner is not doing any business. Despite the same, the second respondent continued the matrimonial life, keeping in mind the welfare of their children. Even then, the petitioners demanded a Swift Car as dowry for the first petitioner, failing which, they criminally intimidated that they would kill the second respondent. Adding fire to the same, the first petitioner, under the influence of alcohol, started to keep a Knife under his pillow while sleeping. Apprehending danger to her life, the second respondent has left the matrimonial house and went to her parents house. In the meantime, the petitioners sent a notice that the second respondent has left the matrimonial house without any reason, by taking all the jewels, in order to swindle the same. Therefore, she has lodged the present complaint.

3. The learned Counsel for the petitioners would submit that the First Information Report has been registered against them, without any preliminary enquiry. No specific date has been mentioned by the second respondent in her complaint. Based on an apprehension, the second respondent has lodged a false complaint and the first respondent, without even conducting any enquiry, has registered the case. In fact, the second respondent is taking treatment at Sneha Hospital, for her mental illness and after the marriage, she discontinued the treatment. Due to her illness, the second respondent used to quarrel with the first petitioner and the allegation of dowry raised in the complaint is not true. Therefore, the learned Counsel prays for interference.

4. Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor takes notice for the first respondent and on instructions, would submit that the case in Crime No.4 of 2020 was registered for the offence under Sections 498(A), 405, 506(ii) IPC and Section 4 of Dowry Prohibition Act, 1961, as against the petitioners. He would further submit that the second respondent has made a private complaint under Section 156(3) Cr.P.C., and based on the orders of the learned Magistrate, in Cr.M.P.No.1513 of 2020, the present case has been registered. He would further submit that the case is at the stage of FIR and that the investigation is in the crucial stage. Therefore, he prays for dismissal.

5. Heard the learned Counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent / State.



6. Perusal of record shows that the case in Crime No.4 of 2020 was registered based on the orders of the learned Magistrate in Cr.M.P.No.1513 of 2020. The nature of complaint is that the petitioners have demanded dowry from the second respondent, harassed her and also criminally intimidated her. The averment in the complaint further reads that they have cheated the second respondent that the first petitioner is doing finance business and also running a Travels company. Now the petitioners are raising a plea that the second respondent is mentally ill and she has also taken treatment for the same. But after the marriage, she discontinued the treatment and used to quarrel with the first petitioner.

7. In the opinion of this Court, the grounds raised by the petitioners are not sufficient to entertain this quash petition. The case is at the stage of FIR and it is for the investigation agency to investigate and to file the final report. This Court under Section 482 Cr.P.C cannot conduct a roving enquiry as to the grounds raised by the petitioners. Therefore, this criminal original petition stands dismissed, with liberty to the petitioners to raise the grounds that are raised in this petition before the first respondent, during the course of investigation. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
All Woman Police Station, Tirunelveli,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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12.06.2020

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