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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 30.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl. O.P. No. 23615 of 2017

and

Crl.M.P.Nos.13697 and 13698 of 2017

1.D.Parthasarathy

2.P.Amsa

. . . Petitioners/Accused 2&3

Versus

1.State rep by,  
The Inspector of Police,  
W-29, All Women Police Station,  
Avadi, Chennai-600054.

2.Rajalakshmi

. . . Respondents/Complainant  
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the C.C.No.142 of 2017 on the file of the Judicial Magistrate I at Poonamallee, Thiruvallur District, and quash the same.

For Petitioners : Mr.M.Palanivel

For Respondents : Mr.R.Kishore Kumar  
Government Advocate (Crl.Side) for R1

: No appearance for R2

ORDER

This Criminal Original Petition has been filed to quash the final report in C.C.No.142 of 2017 on the file of the Judicial Magistrate-I at Poonamallee, Thiruvallur District, filed for the offence under Section 498(A) I.P.C.

2.The case of the prosecution is that the marriage between the de facto complainant and A1 was held on 29.08.2014. At the time of the marriage, 60 sovereigns of gold and Rs.5 Lakhs were given to the accused. Thereafter, Rs.15 lakhs was spent for the marriage reception by the de facto complainant's parents. After



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marriage, the de facto complainant resided in joint family with the accused. Within 2 days of marriage, A1 started demanding more dowry from the de facto complainant. On 10.09.2014, all the accused demanded dowry again from the de facto complainant, and thereafter, A1 left to America, but still, he has continued to demand dowry over phone. It is further alleged that these petitioners/A2 and A3, who are the parents-in-law of the de facto complainant, also demanded dowry and abused her. Therefore, the prosecution has filed final report in this case for the offence under Section 498-A IPC.

3.The learned counsel appearing for the petitioners submitted that, though final report has been filed, the marriage between A1 and A2 has been dissolved already and all the belongings of the de facto complainant have already been handed over to her. The learned counsel further submitted that the Enquiry Report of the Social Welfare Officer clearly shows that there is no dowry demand and only some matrimonial disputes exist between A1 and de facto complainant due to certain financial matters and the Report also indicates that there were no allegations against the in-laws. Therefore, the learned counsel contended that, continuing the prosecution against the present petitioners is nothing but an abuse of process of law and prayed for quashment of the same.

4.The learned Government Advocate (Crl. Side) appearing for the 1<sup>st</sup> respondent Police has not disputed the divorce granted between the parties, however, submitted that the prosecution has filed a final report in this case.

5.Heard the learned counsel on either side and perused the entire materials available on record.

6.Normally, when final report has been filed by the prosecution, this Court would not exercise its jurisdiction under Section 482 Cr.P.C., at the same time, when the Court is of the view that the allegations are pressed into service only due to frustration on account of matrimonial disputes against all the family members, the Court can very well interfere and quash the final report. The entire allegations mainly targeted against the husband/A1 and the materials collected from the prosecution indicate that the husband was residing in America after marriage and thereafter, a dispute arose between the husband and wife. The Social Welfare Officer has also enquired both sides and filed a Report, which indicates that there was no dowry demand and only there was some financial dispute between the husband and wife. The Report does not indicate any allegation against the present petitioners/A2 and A3, who are the father-in-law and mother-in-law of the de facto complainant. It is also now brought to the notice that the marriage between



the husband and wife has been dissolved and the belongings have also been received back by the wife.

7. When the Social Welfare Officer's Report available on record indicates that there was no dowry demand and allegations against the present petitioners/A2 and A3 are lacking and also divorce has also been granted, this Court is of the view that, continuance of prosecution against the present petitioners/A2 and A3 will not serve any purpose. Therefore, this Court is inclined to quash the proceedings as against the present petitioners/A2 and A3 alone.

8. Accordingly, this Criminal Original Petition is allowed and as a sequel, the criminal proceedings in C.C.No.142 of 2017 on the file of the Judicial Magistrate-I at Poonamallee, Thiruvallur District, insofar as the present petitioners/A2 and A3 are concerned, is quashed. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

psa/mkn

To

1. The Judicial Magistrate-I at Poonamallee,  
Thiruvallur District.
2. The Inspector of Police,  
W-29, All Women Police Station,  
Avadi, Chennai-600054.
3. The Public Prosecutor,  
High Court, Madras 600104.

+1cc to Mr.M.Palanivel, Advocate, S.R.No.62461

CrI. O.P. Nos. 23615 of 2017

NMI[co]  
NSK 13/12/2021