



WEB COPY



Crl.O.P.No.4247 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.O.P.No.4247 of 2021 and
Crl.M.P.No.2704 of 2021

1. Chindra
2. Karthik

... Petitioners

Vs.

1. State Rep. By
The Inspector of Police,
All Women Police Station,
Bargur,
Krishnagiri District.

2. R.Sathiya

... Respondents

Prayer: Civil Original Petition is filed under Section 482 of the Criminal Procedure Code, pleaded to call for the records relating to Crime No.4 of 2020, dated 09.12.2020 on the file of Inspector of Police, AWPS Bargur Police Station, Krishnagiri District and quash the same.

For Petitioners : Mr.C.Mohammed Aseef

For 1st Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

For 2nd Respondent : Mr.R.Thanigai arasu



CrI.O.P.No.4247 of 2021

ORDER

WEB COPY This Criminal Original Petition is filed to call for the records pertaining to the FIR in Crime No.4 of 2020, dated 09.12.2020 on the file of Inspector of Police, AWPS Bargur Police Station, Krishnagiri District and quash the same.

2. The petitioners are the 2nd and 3rd accused in the complaint given by the 2nd respondent on the ground of marital cruelty and demand of dowry by the husband, mother and brother of the husband who arrayed as A1, A2 and A3 respectively.

3. Heard Mr.C.Mohammed Aseef, learned counsel for the petitioners, Mr.A.Damodaran, learned Additional Public Prosecutor appearing for the 1st respondent and Mr.R.Thanigaiarasu, learned counsel for the 2nd respondent.

4. The learned counsel for the petitioners would submit that it is purely a marital dispute between the parties which has been exaggerated and converted into a criminal case; there is no overt act on the part of the



Crl.O.P.No.4247 of 2021

petitioners who are mother and brother of the first accused; the complaint, on the face of it will not disclose any cognizable offence against the petitioners.

5. On perusal of the averments in the complaint, it is seen that the allegations are predominantly against the 2nd accused. Though the petition for dissolution of marriage has been filed by the 2nd respondent, the allegations in the complaint would only show that because of the constant dowry demand made by the 2nd accused, the marital dispute has arisen. However, the 2nd respondent, in her complaint has listed out the occasions during which the demand of dowry was made and how she was harassed due to dowry demand by the 2nd accused. It is not a bald statement on which the case has been registered. In fact, the allegations are predominantly made against the 2nd and 3rd accused who are the petitioners herein.

6. Insofar as the 3rd accused is concerned, there is no specific overt act about any dowry demand or any other action of ill treatment. It is alleged that on one occasion when the parents of the 2nd respondent came to invite



Crl.O.P.No.4247 of 2021

the 2nd respondent and her husband for Diwali, the 3rd accused told them that his brother would come on the next day and the parents of the 2nd respondent could take their daughter alone with them. These averments will not fall under ill treatment or dowry demand for which the case has been registered. Since the materials on record, on face of it, does not disclose any cognizable offence, more particularly a case under Section 498 (A) of I.P.C., and Section 4 of Dowry Prohibition Act, 1961, as against the 2nd petitioner, I feel it is proper to quash the FIR as against the 2nd petitioner alone.

7. In the result, this Criminal Original Petition is partly allowed. The FIR in Crime No.4 of 2020 is quashed as against the 2nd petitioner. The Respondent Police shall continue their investigation against the 1st and 2nd accused who are husband and mother-in-law of the 2nd respondent. Consequently, connected miscellaneous petition is closed.

30.09.2022

vum
Index:yes/No
Speaking Order / Non speaking order



CrI.O.P.No.4247 of 2021

To

WEB COPY

1. The Inspector of Police,
All Women Police Station,
Bargur,
Krishnagiri District.

2. The Public Prosecutor
High Court, Chennai.



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Crl.O.P.No.4247 of 2021

R.N.MANJULA,J.

vum

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Crl.MP.No.2704 of 2021

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