



Crl.O.P.No.21258 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 08.11.2022

Pronounced on : 17.11.2022

CORAM

THE HON'BLE **Dr.JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.21258 of 2019

and

Crl.M.P.No.11000 of 2019

1.Mohamed Zain Us Zaman  
2.Nandira Nilopher

... Petitioners

Vs.

1.The Inspector of Police,  
W-15, All Women Police Station,  
Royapuram,  
Chennai-13.

2.Mrs.Fahmida Kouser.

... Respondents

**Prayer:-** Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.795 of 2019 on the file of the XVI Metropolitan Magistrate Court, George Town, Chennai, pending against the petitioner and quash the same.

For Petitioners : Mr.S.Karthikeyan for  
Mr.V.Karnan

For R1 : Mr.N.S.Suganthan



Crl.O.P.No.21258 of 2019

For R2 : Government Advocate (Crl.Side)  
: No appearance

### **ORDER**

The petitioners are husband and wife. The second respondent is their daughter-in-law married to their son Taufeeq Ahmed on 15/03/2013. The petitioners are before this Court to quash the criminal case in C.C.No.795/2019 which came to be filed on the complaint of the second respondent alleging cruelty and criminal intimidation.

2. As per the Final Report, Taufeeq Ahmed, the husband of the second respondent, along with his parents, who are the petitioners herein and his younger brother Thanveer Ahmed, after obtaining huge dowry on demand during the marriage, continue to harass her by treating her as servant maid and torture her using abusive and filthy language. They forced her father to pay Rs.5,00,000/- for purchase of Flat at Ambattur, despite that they torture by calling her 'barren'. Hence committed the offence under Sections 498 A, 294 (b), 506(i) I.P.C., and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.

3. The petitioners claim that, after marriage, their son and



CrI.O.P.No.21258 of 2019

daughter-in-law, went to Bangalore and there after came back to Chennai and were living separately. The allegations that the petitioners used to visit them at Bangalore and poison the mind of her husband. In fact, the 2<sup>nd</sup> respondent never lead a cordial marital life with their son. After few years of disturbed married life, the second respondent deserted and went to her father's house. Their son after failed in all attempts to bring her back to the matrimonial fold, filed O.S.No.242/2017, before the learned III Additional Family Court, Chennai for restitution of conjugal right. Thereafter, the 2<sup>nd</sup> respondent rejoined her husband. However she did not change her attitude. On 03/05/2018, there was wordy quarrel between the husband and wife in their house. Their son called the father of the *de facto* complainant to pacify his daughter, who was quarreling unnecessarily. Instead of pacifying her, the father and brother of the *de facto* complainant abused and threatened the petitioners and their son of dire consequence. In this connection a criminal complaint was given against the father and brother of the 2<sup>nd</sup> respondent at N-1, Royapuram Police Station in Cr No: 1069/2018. To counter blast this complaint and to guard her father and brother, the 2<sup>nd</sup> respondent started giving various



CrI.O.P.No.21258 of 2019

frivolous complaints before different police stations. On such complaint dated 10/10/2018 came to be registered by All Women Police Station, Royapuram in Cr.No 4/2018 which is the subject matter of this quash petition.

4. According to these petitioners, the first petitioner is a retired Co-operative Society Employee and the second petitioner is a Bank Employee. Admittedly, their son or daughter-in-law were not living with them. The probability of they interfering the martial life of the *de facto* complainant by poisoning the mind of her husband is imaginary allegation just to harass the old parents of her husband, so that her husband will not question her wayward life. On the influence of her father and brother, the 2<sup>nd</sup> respondent has given the complaint with oblique motive and the first respondent police without proper investigation and considering the earlier frivolous complaints filed by the *de facto* complainant before the Police and Domestic Violence complaint, filed the Final Report hurriedly with bald allegation against all the members of the in-laws of the family without any specific overact.

5. This Court, on reading the complaint dated 10/10/2018,



CrI.O.P.No.21258 of 2019

the statements of the witnesses who are mostly interested witnesses and relatives of the *de facto* complainant, find that though the *de facto* complainant and her husband had not lived together for a long time, more than 4 criminal complaints been lodged by the *de facto* complainant with AWPS Villivakkam, AWPS Thiruvotriyur, N-1 Royapuram Police Station, AWPS Royapuram and also Domestic Violence complaint before the Additional Mahila Court. The petitioners were summoned and enquired. For the same set of allegations, apparently, the petitioners who are aged parents of the *de facto* complainant's husband is put to harassment abusing the law.

6. Allegation in the impugned complaint suffers inherent infirmity, namely the persons arrayed as accused in this case are the husband, father-in-law, mother-in-law and brother-in-law. Except the husband who is shown as first accused, others are not living with the *de facto* complainant and her husband. When the complainant and her husband have separated from the joint family and had set up nucleus family initially at Bangalore and later at Ambattur, allegation in one



CrI.O.P.No.21258 of 2019

police station after another is clear abuse of law, which requires interference under section 482 of Cr.P.C., to prevent abuse of process of law and to secure the ends of justice.

7. In the result, the Criminal Original Petition is allowed. Consequently, the connected Criminal Miscellaneous Petition is also closed. C.C.No.795/2017 stands quashed as against these petitioners who are arrayed as A-2 and A-3.

**17.11.2022**

rpl  
Index: Yes/No  
Speaking Order/Non Speaking Order

To

1.The XVI Metropolitan Magistrate Court, George Town, Chennai,

2.The Inspector of Police,  
W-15, All Women Police Station,  
Royapuram,  
Chennai-13.

3.The Public Prosecutor,  
High Court of Madras, Chennai.



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CrI.O.P.No.21258 of 2019



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Crl.O.P.No.21258 of 2019

**Dr.G.JAYACHANDRAN, J.**

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Pre-Delivery Order made in  
**Crl.O.P.No.21258 of 2019**

**17.11.2022**