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Crl.O.P.No.24224 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.O.P.No.24224 of 2022

and

CRL.MP.No.15352 of 2022

1. Ashwinram

2. Banurekha

.. Petitioners

Vs.

1. The Sub Inspector of Police,
AWPS-East,
Coimbatore City,
Coimbatore District.

2. Umamaheswari

.. Respondents

Prayer: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to call for the records in Crime No.40 of 2022 on the file of the first respondent police and quash the same.

For petitioners : Mr.K.Prabhakaran

For Respondents : Mr.S.Santhosh for R1

Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to call for records and quash the FIR in Crime No.40 of 2022 for the alleged offences under Sections 498-A, 323 and 506(i) of IPC, pending on the file of the 1st respondent police.

2. The learned counsel for the petitioners has submitted that the first petitioner is the husband and the second petitioner is the mother-in-law of the defacto complainant respectively. Admittedly, the first petitioner married the defacto complainant on 25.02.2021. Thereafter, due to matrimonial dispute, now they are living in a separate house. With regard to some allegations, the defacto complainant gave a complaint earlier against the petitioners and the first petitioner was enquired by the respondent police and in that enquiry, they closed the previous complaint on the ground that they will settle the matter before the family court. In the previous complaint, the defacto complainant had not stated anything against the second petitioner/mother-in-law. But, in this complaint, she has



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newly added some allegations wantonly against the second petitioner/
mother-in-law. The complaint against the second petitioner as well as the
petitioner for harassment and demanding dowry are all false. Therefore, he
seeks to quash the complaint against the petitioners.

3. When the matter is taken up for hearing, the learned Government Advocate (Crl.Side) has submitted that the matter is in the investigation stage. Since there was a continuous harassment by demanding dowry, the defacto complainant gave a complaint for the second time. Therefore, a case is registered and the same is under investigation. He would further submit that the investigation has to be continued to find out the truth and it is inappropriate to quash the case at the initial stage of investigation and therefore he pleads for dismissal of the case.

4. Heard and considered the submissions made on either side.

5. The Perusal of the records reveals that the respondent police registered a case in Cr.No.40 of 2022 on 28.07.2022 for the offences



punishable under Sections 498-A, 323 and 506(i) of IPC against these

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petitioners. Admittedly, the relationship between the parties are admitted and not disputed (i.e.,) the fact that the first petitioner married the defacto complainant on 25.02.2021. After marriage, due to some dispute in the family, they are living separately now.

6. A perusal of the FIR reveals that the allegation against the petitioners are that the first petitioner has received totally a sum of Rs.17,53,000/- on various times from the defacto complainant and also she has paid the marriage expenses, rent to the marriage hall. Apart from this, on 14.04.2022, the defacto complainant was assaulted by the petitioners, due to which, she sustained injuries and for that, she took treatment. Again, the defacto complainant went to the Designing Centre run by the husband and there, she found that he is in illegal relationship with one Deepa. When she enquired about the same, both the petitioners assaulted and sent her out of the house. Under such circumstances, she lodged a complaint and a case was registered against these petitioners.



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7. Considering the submissions made by the learned counsel on either side and on perusal of records, this Court opines that prima facie allegation of offences punishable under Sections 498-A, 323 and 506(i) of IPC are made out in this case. Therefore, it does not meet the parameters laid down by the Supreme Court in *State of Haryana vs. Ch.BhajanLal (AIR 1992 SC 604)*, *M/s Neeharika Infrastructure Pvt. Ltd., Vs. State of Maharashtra and others (2021 SCC online 315)* & *PRATIBHA RANI Vs.SURAJ KUMAR & ANR (1985 CrI.L.J.817)*, the matter has to be investigated to find out the truth. Therefore, it is inappropriate to quash the FIR and close the investigation at the beginning stage. Therefore, I find no merit and investigation is to be conducted to find out the truth.

8. In the result, this Criminal Original Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No

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Internet : Yes/No

gv



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V.SIVAGNANAM ,J.

gv

To

1. The Inspector of Police,
AWPS-East,
Coimbatore City,
Coimbatore District.
- 2.The Public Prosecutor,
High Court, Madras.

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and
CRL.MP.No.15352 of 2022



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