



CrI.O.P.No.24575 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.24575 of 2022

and

CRL.M.P.No.15434 of 2022

Matheen Fathima

.. Petitioner

Vs.

1. State rep by Inspector of Police,
All Women Police Station, Thirupathur,
Thirupathur District,
(Crime No.1 of 2022)

2. Shakila

.. Respondents

Prayer: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to call for the records in Crime No.1 of 2022 on the file of the Inspector of Police, All Women Police Station, Thirupathur, Thirupathur District and to quash the same.

For Petitioner : Mr.G.Vinodhkumar

For Respondents :Mr. S.Santhosh for R1

Government Advocate (Crl.Side)



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ORDER

WEB COPY This Criminal Original Petition has been filed to call for the records and quash the FIR in Crime No.1 of 2022 for the alleged offences under Sections 294(b), 323, 498-A, 506(i) of IPC and 4 of Dowry Prohibition Act, 1961 pending on the file of the 1st respondent police.

2. The learned counsel for the petitioner has submitted that the marriage between the defacto complainant and brother of the petitioner took place on 18.01.2021. After a short period, on 06.02.2021, the defacto complainant went along with her husband to Abu Dhabi. During the short period of stay in mother - in- law's house, the petitioner being sister-in-law of the defacto complainant, there is no chance for harassment by demanding dowry. After they returned from Abu Dhabi, there is no allegation that the petitioner has harassed the defacto complainant by demanding dowry from her. Moreover, the petitioner and the defacto complainant are living separately. Under such circumstances, FIR has to be quashed against this petitioner since she is in no way connected to the case. Hence, he pleads to allow this petition.



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WEB COPY

3. When the matter is taken up for hearing, the learned Government Advocate (Crl.Side) has submitted that at the time of marriage itself, there was a dispute between the parties with regard to the demand of dowry. After marriage, admittedly, they went to Abu Dhabi on 06.02.2021 since there she experienced a humiliation, she returned back to India on 31.03.2021. Thereafter, mother-in-law and sister-in-law of the defacto complainant humiliated her by demanding dowry. There is a specific allegation stated in the complaint as against this petitioner and the investigation is still pending and therefore, it is not proper to quash the FIR before completion of investigation and thus he pleaded to dismiss this case.

4. I have considered the submission of the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the first respondent police.

5. In the case on hand, a perusal of records, reveals that the defacto



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complainant married the brother of the petitioner. They got married on 18.01.2021. Thereafter, they left India and went to Abu Dhabi on 06.02.2021. But, defacto complainant returned back to India on 31.03.2021. Thereafter also, the petitioner and the mother-in-law of the defacto complainant humiliated her and also instigated her husband for demanding dowry. There is a specific allegation stated against this petitioner that she along with mother-in-law has instigated her husband for demanding more dowry and also humiliated her. The petitioner has tortured the defacto complainant by demanding dowry. Hence, she lodged a complaint before the respondent police.

6. On perusal of impugned F.I.R, it is seen that the allegation therein would *prima facie* make out a case for investigation by the police authority. 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



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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 in the petition and investigation is to be conducted to find out the truth.

7. In the result, this Criminal Original Petition is dismissed. Consequently connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
gv

11.10.2022

To

1. The Inspector of Police,
All Women Police Station, Thirupathur,
Thirupathur District,
(Crime No.1 of 2022)

2. The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM ,J.

gv

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