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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.5816 of 2022

and

Crl.M.P(MD) No.4109 of 2022

1. Rajasekaran
2. Ayyammal
3. Ramesh

...Petitioners/Accused No. 2 , 3, 4

Vs.

1. State through
The Inspector of Police,
All Women Police Station,
Theni District.
(Crime No.06/2022)

... 1st Respondent/Complainant

2. Vishalini

...2nd Respondent/Defacto Complainant

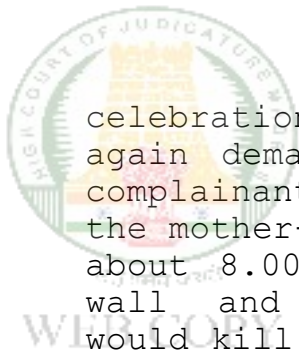
PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to to call for the records pertaining to the Impugned FIR in Crime No.06 of 2022 dated 26.02.2022, on the file of the first respondent police and to quash the same as illegal as against this petitioner.

For Petitioners	:	Mr.S.Vikram
For Respondents	:	Mr.R.M.Anbunithi
No.1		Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Crime No.06 of 2022, on the file of the first respondent police.

2.The case of the prosecution is that the marriage between the third petitioner and the second respondent was solemnized on 25.04.2018 at MGM Mahal and at that time of the parents of the second respondent offered 52 sovereigns of gold jewels and Rs.1,00,000/- cash as dowry. Thereafter there was some misunderstanding between the mother-in-law and the second respondent and for separate home, the third petitioner pledged 15 sovereigns of gold jewellery and the complainant went to her parental home for delivery and she delivered a female child. When she return back to her matrimonial home after delivery, the mother-in-law demanded additional dowry of 20 lakhs for his son to start new business. Thereafter on 18.05.2021, in the birthday



celebration of the defacto complainant's daughter her mother-in-law again demanded Rs.20,00, 000/-Due to said harassment the defacto complainant lodged complaint and thereafter due to request made by the mother-in-law, she has withdrawn the complaint. On 26.11.2021 at about 8.00 am., her mother-in-law grabbed her hair and pulled in wall and also threatened her to bring Rs.20,00,000/- or else she would kill her. On hearing the alarm made the neighbors came to the place. On seeing them, the petitioners left, hence the present case came to be registered.

3. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor would submit that the investigation is almost completed and the respondent police are about to file the final report before the concerned court.

5. Heard both sides and perused the materials available on record.

6. It is seen from the First Information Report that there are specific allegation as against the petitioners, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Further, it cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating machinery has to step in to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

7.It is also relevant to rely upon the judgment of the Hon'ble Supreme Court of India passed in **Crl.A.No.255 of 2019** dated **12.02.2019 - Sau. Kamal Shivaji Pokarnekar vs. the State of Maharashtra & ors.**, where in it is held follows:-

"4. The only point that arises for our consideration in this case is whether the High Court was right in setting aside the order by which process was issued. It is settled law that the Magistrate, at the stage of taking cognizance and summoning, is required to apply his judicial mind only with a view to taking cognizance of the offence, or in other words, to find out whether a prima facie case has been made out for summoning the accused persons. The learned Magistrate is not required to evaluate the merits of the material or evidence in support of the complaint, because the Magistrate must not undertake the exercise to



find out whether the materials would lead to a conviction or not.

5. Quashing the criminal proceedings is called for only in a case where the complaint does not disclose any offence, or is frivolous, vexatious, or oppressive. If the allegations set out in the complaint do not constitute the offence of which cognizance has been taken by the Magistrate, it is open to the High Court to quash the same. It is not necessary that a meticulous analysis of the case should be done before the Trial to find out whether the case would end in conviction or acquittal. If it appears on a reading of the complaint and consideration of the allegations therein, in the light of the statement made on oath that the ingredients of the offence are disclosed, there would be no justification for the High Court to interfere.

6.....

7.....

8.....

9. Having heard the learned Senior Counsel and examined the material on record, we are of the considered view that the High Court ought not to have set aside the order passed by the Trial Court issuing summons to the Respondents. A perusal of the complaint discloses that prima facie, offences that are alleged against the Respondents. The correctness or otherwise of the said allegations has to be decided only in the Trial. At the initial stage of issuance of process it is not open to the Courts to stifle the proceedings by entering into the merits of the contentions made on behalf of the accused. Criminal complaints cannot be quashed only on the ground that the allegations made therein appear to be of a civil nature. If the ingredients of the offence alleged against the accused are prima facie made out in the complaint, the criminal proceeding shall not be interdicted."

8. In view of the above discussion, this Court is not inclined to quash the First Information Report. Hence this Criminal Original Petition stands dismissed. However, the respondent police is directed to complete the investigation and file final report before the concerned Magistrate, within a period of twelve weeks from the



date of receipt of a copy of this Order. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-III)

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police,
All Women Police Station,
Theni District.

2. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD) No.5816 of 2022

and

Crl.M.P(MD) No.4109 of 2022

30.03.2022

kg(CO)

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