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Crl.OP.No.4238 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2023

CORAM:

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

Crl.OP.No.4238 of 2021 and
Crl.MP.Nos.2690 & 2692 of 2021

1.Rajaram
2.Rajeshwari

... Petitioners

Vs.

1.State Represented by
Inspector of Police,
All Women Police Station,
Panruti,
Cuddalore District

2.Anitha
(R2 impleaded as per order in Crl.MP.No.4536
of 2021 in Crl.OP.No.4238 of 2021
dated 09.04.2021)

... Respondents

PRAYER: Criminal original petition is filed under Section 482 of Cr.P.C. to call for the records relating to the final report dated 03.12.2020 filed on 23.01.2021 in CC.No.156 of 2020 on the file of the Judicial Magistrate No.1 at Panruti and to quash the same insofar as the petitioners are concerned.

For Petitioners

: M/s.K.Poomalai

For Respondents



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For R1 : Mr.A.Gopinath,
Government Advocate(Crl.side)

For R2 : Mr.J.Rajmohan

ORDER

This Criminal Original Petition has been filed to quash the proceedings in CC.No.156 of 2020 on the file of the Judicial Magistrate No.1 at Panruti taken cognizance for the offences under Sections 498(A), 294(b) and 506(1) of IPC as against the petitioners.

2. The case of the prosecution is that the second respondent got married the first accused on 11.04.2016. After their wedlock, they gave birth to a female child on 08.08.2017. Thereafter, the first petitioner used to quarrel with the second respondent. They also demanded huge dowry. She was driven out from the matrimonial home and hence the complaint. On receipt of the said complaint, the first respondent registered FIR in crime No.32 of 2020 for the offences under Sections 498A, 294(b), 506(i) of IPC. After completion of investigation, they filed final report and the same has been taken cognizance by the trial court.

3. The learned counsel for the petitioners would submit that there are



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totally two accused in which the petitioners are arrayed as A1 and A2. In fact, the second respondent lodged complaint and thereafter the petitioners were issued summons by the Senior Security Officer and after conducting detailed enquiry, it was found that no prima facie case for dowry harassment and the same was closed. Once again, due to cruelty committed by the second respondent, the first petitioner had no other option than to file a petition for divorce on the ground of cruelty in HMOP.No.2 of 2019 on the file of the Sub Court, Panruti and it is pending. After filing divorce petition, the second respondent lodged complaint as against the petitioners as if she was harassed by the petitioners and also scolded her with filthy languages and threatened her with dire consequences. There is no categorical allegation to attract these offences as against the petitioners.

4. The learned counsel for the second respondent would submit that during Covid 19, without even recoding her statement, the first respondent filed final report. The first petitioner has illegal intimacy with other woman and as such, he harassed the second respondent to the court.

5. The learned Government Advocate(crl.side) appearing for the first respondent also submitted that the father and the mother of the victim



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categorically deposed that the first petitioner had illegal intimacy with other women and as such he used to harass the second respondent in the matrimonial home. Thereafter, she was driven out from the matrimonial home.

6. On perusal of records also revealed that there are specific allegations as against the first petitioner in order to attract offence under Sections 498A, 294(b) and 506(i) of IPC. As far as the second petitioner is concerned, she is the mother of the first petitioner and no specific allegation as against her and all the allegations are bald and vague. In this regard, in the judgment in the case of *Abhishek Vs. State of Madhya Pradesh* rendered in Crl.A.No.1456 of 2015, the Hon'ble Supreme Court of India held that in order to attract the offence under Section 498A of IPC, there must be specific allegations as against each and every accused. Noting that the foremost issue that required determination was whether allegations made against the in-laws were general omnibus allegations which would be liable to be quashed. Nowadays, there is an increased tendency to implicate relatives of the husband in matrimonial disputes. false implications by way of general omnibus allegations made in the course of matrimonial disputes, if left unchecked, would result in misuse of the process of law. In the case on hand, no specific allegations are made as against the second petitioner. Therefore, allowing the



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prosecution against the second petitioner in the absence of specific allegations would result in abuse of process of law. However, there are specific and serious allegations as against the first petitioner and as such, the proceedings cannot be quashed as against the first petitioner.

7. Accordingly, the entire proceedings in CC.No.156 of 2020 on the file of the Judicial Magistrate No.1 at Panruti is quashed as against the second petitioner alone and this criminal original petition is allowed in respect of the second petitioner. In respect of the first petitioner, this criminal original petition is dismissed. The trial court is directed to proceed with the trial as against the first petitioner and complete the same within a period of six months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

03.11.2023

Index :Yes/No
Internet : Yes/No
Speaking order/non-speaking order
lok

G.K.ILANTHIRAIYAN, J.

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To



CrI.OP.No.4238 of 2021

- 1.The Judicial Magistrate No.1 at Panruti
- 2.Inspector of Police,
All Women Police Station,
Panruti,
Cuddalore District
- 3.The Government Advocate,
High Court of Madras

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