



Crl.O.P.No.4103 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.4103 of 2023
and Crl.M.P.No.2581 of 2023**

1. Karthik
2. Vijaya
3. Kasthuri
4. Vanitha
5. Mohan

.. Petitioners

Versus

1. State (The Inspector of Police),
W-30, All Women Police Station,
Poonamallee,
(Cr.No.28 of 2022).

2. D.Mahalakshmi

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.28 of 2022 on the file of the Inspector of Police, W-30 All Women Police Station, Poonamallee, quash the F.I.R in the said case.

For Petitioners : Mr.J.I.Rajkumar Roberts

For Respondents : Mr.A.Gopinath,
Government Advocate (Crl. Side),



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for R1

: Mr.V.Karthick for R2

ORDER

This petition has been filed to quash the F.I.R in Crime No.28 of 2022 pending investigation on the file of the first respondent.

2. The second respondent gave a complaint against the petitioners - the first petitioner is the husband, the second petitioner is the mother-in-law, the third petitioner is the sister of accused No.2, the fourth petitioner is the sister-in-law and the fifth petitioner is the husband of accused No.4. The crux of the complaint is that the first petitioner married the second respondent on 01.09.2019 and it was an inter-caste marriage and the second respondent claims to belong to SC community. There was some misunderstanding in the family and ultimately there was a misunderstanding even between the first petitioner and the second respondent. The second respondent has made allegations to the effect that dowry was demanded and she was not allowed to live peacefully with the first petitioner and she was also abused using her caste name. Based on this complaint, the first respondent has registered an F.I.R in Crime No.28 of 2022 for the offences under Sections 294(b), 498(A), 323 and 506(2) of Indian Penal Code



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(hereinafter referred to as 'I.P.C.');

Section 4 of Dowry Prohibition Act, 1961 (hereinafter referred to as 'D.P.Act') and Sections 3(1)(r), 3(1)(s) and 3(1)(z) of SC / ST (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'SC/ST Act').

3. Heard Mr.J.I.Rajkumar Roberts, learned Counsel for the petitioners, Mr.A.Gopinath, learned Government Advocate (Crl. Side) for the first respondent and Mr.V.Karthick, learned Counsel for the second respondent.

4. This Court has carefully considered the submissions made on either side and materials available on record.

5. On carefully going through the F.I.R, it is seen that the petitioners 3 to 5 were not even living with the petitioner and the second respondent and they are residing elsewhere and by making general allegations, they have been roped in as accused persons. Hence the continuation of the criminal proceedings as against the petitioners 3 to 5 will amount to abuse of process of law.



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6. Even insofar as the first and second respondents are concerned, there is nothing to establish that they have committed offences under SC / ST Act. All the allegations are general and these allegations have been made in the light of the existing dispute between the first petitioner and the second respondent. In fact, an earlier complaint was given against the first petitioner before the All Women Police Station, Poonamallee and it was enquired in C.S.R.No.364 of 2021. In that complaint, the second respondent has alleged that the first petitioner is refusing to live with her. This complaint was withdrawn subsequently. The second complaint has been given with more details. It is also brought to the notice of this Court that the children are now being taken care by the second respondent.

7. Taking into consideration the facts and circumstances of the case and the allegations that have been made in the F.I.R, this Court finds that none of the offences under the SC / SC Act is made out. Hence, the F.I.R insofar as the offences under SC / ST Act is concerned, has to be necessarily quashed even insofar as the first and second petitioners are concerned.



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8. In the light of the above discussion, there shall be a direction to the first respondent Police to investigate the case for offences under Sections 294(b), 498(A), 323 and 506(2) of I.P.C and Section 4 of D.P.Act as against the first and second petitioners.

9. In the result, this Criminal Original Petition is partly allowed and the F.I.R in Crime No.28 of 2022 on the file of the first respondent is quashed insofar as the petitioners 3 to 5 are concerned. Insofar as the first and second petitioners are concerned, the same is quashed with respect of the offences under Sections 3(1)(r), 3(1)(s) and 3(1)(z) of SC / ST Act. There shall be a direction to the first respondent to proceed further with the investigation for offences under Sections 294(b), 498(A), 323 and 506(2) of I.P.C and Section 4 of D.P.Act. Ultimately a Final Report or a Closure Report, as the case may be, shall be filed before the concerned jurisdiction Court within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

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Index : yes/no
Speaking order/Non-speaking order



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Neutral Citation : yes/no

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To
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1. The Public Prosecutor,
High Court of Madras.
2. The Inspector of Police),
W-30, All Women Police Station,
Poonamallee.



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N.ANAND VENKATESH, J.

grs

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