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Crl.O.P.No.9906 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.9906 of 2023

and

Crl.M.P.No.6503 of 2023

1. R.Vinothkumar

2. S.Rajakumaran

3. R.Saraswathi

4. R.Manojkumar

... Petitioners

Vs.

1. State Represented by
Inspector of Police,
All Women Police Station,
Devala, The Nilgiris District.
Pin Code - 643 211.

2. Jaraniyaa

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records to quash the charge sheet (Charge Sheet No. F8 /2022-original) dated 07.11.2022 submitted in C.C.No.68 of 2022 on the file of the learned Judicial Magistrate, Palandur, Nilgirs.

For Petitioners : Mr.S.Kathiravan

For R1 : Mr. Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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ORDER

WEB COPY This Criminal Original Petition has been filed to call for the records to quash the charge sheet (Charge Sheet No. F8 /2022-original) dated 07.11.2022 submitted in C.C.No.68 of 2022 on the file of the learned Judicial Magistrate, Palandur, Nilgirs.

2. The learned counsel for the petitioners submitted that, on the basis of the false complaint given by the 2nd respondent, FIR in Crime No.1 of 2022 was registered against the petitioners for the offence under Section 498-A of IPC. After investigation, respondent police filed final report against the petitioners. He further submitted that, the allegations made in the FIR and final report are totally false, for the reason that, 2nd respondent lived with the 1st petitioner only for few months. The statement given by one Praveenadevi, District Social Welfare Officer shows that, there is no substance for supporting dowry harassment. FIR also shows that, 2nd respondent had already given a complaint before the Devala Police Station and therefore this complaint is not the first complaint. Thus, prosecution of the petitioners on the basis of the false complaint is nothing but an harassment to the petitioners. Hence, he seeks for quashing the proceedings in C.C.No.68 of 2022 against the petitioners.



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3. In response, learned Government Advocate (Crl. Side) submitted that, 2nd respondent gave a detailed complaint making allegations of dowry harassment and cruelty. She had reiterated the allegations made in the complaint in her statement given under Section 161 of Cr.P.C. Her statement is supported by her father, mother, sister-in-law and other witnesses. Thus, he prayed for dismissal of the petition.

4. In reply, learned counsel for the petitioner submitted that, there is no specific material to support dowry harassment and cruelty. Witnesses examined in this case are close relatives. Their statement cannot form basis for taking decision in this case.

5. Considered the rival submissions and perused the records. The FIR allegations show that, the marriage between the 2nd respondent and the 1st petitioner was celebrated on 25.01.2022. It is alleged that, petitioners had informed the defacto complainant's family that they are well enough and the defacto complainant is not required to provide any dowry or cash. However, defacto complainant's parents provided her with 50 sovereigns of gold jewels. Defacto complainant's husband has two brothers and they are well educated and employed. Their spouses also well educated and employed. Before



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marriage, it was informed to the defacto complainant's family that, her husband is running business in the name of M/s. Saraswathi Traders dealing with computer, laptop, battery, UPS etc., and earning handsome amount. However, after marriage, it was found that, her husband is not earning as claimed by them. Defacto complainant's father-in-law and mother-in-law used to tell her that, money is important for running the family. They pointed that, their other daughter-in-laws are earning in lakhs per month. They are also supporting them with cash and jeweleries to defacto complainant's mother-in-law. They insisted the defacto complainant to get money from her father. Otherwise, they will not allow her to live with her husband. Defacto complainant's mother-in-law insisted to get jewels as it was given by other daughter-in-laws. They prevented the defacto complainant from contacting her parents through cell phone. Defacto complainant was provided with only a small quantity of food. At the instance of the defacto complainant's husband, her father bought him a car. Mr.Manoj Kumar, on seeing the R.C.Book told that, the car was purchased not in the name of her husband. He also told that, his wife is earning Rs.1.5 lakh per month and defacto complainant is not earning but simply eating and sleeping. He scolded in filthy language and asked her to get money and also asked her to get a house and car. When the defacto complainant asked as to why they were harassing her, 1st petitioner



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stated that, he thought that, defacto complainant being the only daughter of her father, her father will provide money and properties. He also threatened him that, unless she pays the money for starting the business, he threatened to divorce the defacto complainant and marry another woman. Even during the Diwali celebration, accused scolded the defacto complainant's parents for not providing jewels to her husband. Despite, taking every effort to resolve the issue, accused did not give room for any compromise.

6. Supporting the allegations made in the complaint, defacto complainant gave statement under Section 161 of Cr.P.C. Her father, mother and sister-in-law had also given statements supporting the case of the defacto complainant. There are statements of other witnesses as well. Though it is stated by Praveenadevi, District Social Welfare Officer that there is no material available for dowry demand and harassment, she has stated that the reason for the dispute between the parties is domestic violence. The reading of the statement of the witnesses and material produced clearly make out the case for proceeding further against the accused under Section 498-A of IPC and other appropriate provision of penal laws.

7 Therefore, this Court finds that there is no valuable ground for



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quashing the proceedings in C.C.No.68 of 2022.

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8. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is also closed.

08.06.2023

Internet: Yes

Index: Yes/No

Sma

To:

1. Judicial Magistrate, Pandalur Nilgiris

2. Inspector of Police,
All Women Police Station,
Devala, The Nilgiris District.
Pin Code - 643 211.

3. The Public Prosecutor,
Madras High Court.



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G.CHANDRASEKHARAN, J.
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