



**Crl.OP Nos.16728, 29621 of 2019, 6988 of 2021 &
Cont.P.No.1738 of 2022**

SUNDER MOHAN, J.

Today, these petitions are listed under the caption 'For being spoken to'.

2. It is brought to the notice of this Court that in Para Nos.6, the common order of this Court dated 26.06.2023, it is mentioned as if Crl.OP Nos.16426, 29621 of 2019 and 6988 of 2021 are allowed whereas only Crl.OP No.6988 of 2021 which challenges the final report has to be allowed.

3. In view of the above, paragraph Nos.6, 7 & 12 of the common order of this Court dated 26.06.2023 reads as follows :

6. This Court on perusal of the impugned final report finds that the allegations would not attract the offences under Sections 498 (A) and 506(i) IPC. It is admitted fact that the 1st petitioner and the de facto complainant were living together happily for some time and the 1st petitioner had taken the de facto complainant for a honeymoon trip abroad. Thereafter, the 1st petitioner had taken steps to take her to the USA where he got employment but for some reason, the de facto complainant could not join the 1st petitioner. The Social Welfare Officer had stated in her report that the only grievance of the 2nd respondent was that the 1st petitioner did not take her to the USA. There is no allegation of any dowry demand or harassment in connection with the said demand before the Social Welfare Officer. The vague allegations in the impugned complaint that all the petitioners had harassed the de facto complainant on



WEB COPY



SUNDER MOHAN, J.

rgf

account of dowry demand is an afterthought. The allegations against the petitioners are vague and no specific instance of harassment is shown. This Court is of the view that that the same has been made vindictively only to humiliate and harass the petitioners. Considering the facts of the case, this Court is of the view that the impugned final report does not disclose any of the offences alleged and is liable to be quashed. Hence, Crl.OP.No.6988 of 2021 which challenges the final report is allowed.

7. In view of the above, Crl.OP.Nos.16426, 29621 of 2019 are closed.

12. With the above observations, Crl.OP.Nos.16426 & 29621 of 2019 are closed and Crl.OP No.6988 of 2021 is allowed. Cont.P.No.1738 of 2022 is also closed. Consequently, connected Criminal Miscellaneous Petitions are closed.

4. Registry is directed to issue order copy after carrying out the above corrections. The other contents of the common order of this Court dated 26.06.2023 shall remain unaltered.

28.07.2023

rgf

Crl.OP Nos.16728, 29621 of 2019, 6988 of 2021
and Cont.P.No.1738 of 2022



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.Nos.16428, 29621 of 2019, 6988 of 2021 & Cont.P.No.1738 of 2022

and

CrI.M.P.Nos. 8245, 18729, 18731 of 2019 & 4665 of 2021

[CrI.OP.No.16428/2019]

1.Rajamanickam

2.G.Suseela

... Petitioners

Vs.

1. State Rep. by

The Inspector of Police,
All Women Police Station,
Sooramangalam,
Salem District.

2.Kalaiselvi

... Respondents

[CrI.OP.No.29621/2019]

R.Dhayanandan

... Petitioner

Vs.

1. State Rep. by

The Inspector of Police,
All Women Police Station,
Sooramangalam, Salem District.

2.Kalaiselvi

... Respondents



WEB COPY

Crl.O.P.Nos.16428, 29621 of 2019, 6988 of 2021 & Cont.P.No.1738 of 2021





[CrI.OP.No.6988/2021]

1.R.Dhayenandan
2.Rajamanickam
3.G.Suseela

... Petitioners
Vs.

1. State Rep. by
The Inspector of Police,
All Women Police Station,
Sooramangalam, Salem District.

2.A.Shanmugan

3.S.Geetha ... Respondents

[Respondents 2 and 3 are impleaded vide order of this Court dated 26.06.2023 made in CrI.M.P.No.8886 of 2023 in CrI.O.P.No.6988 of 2021]

[Cont.P.No.1738/2022]

1.P.Rajamanickam
2.G.Suseela

... Petitioners

Vs.

1.Mrs.S.Valarmathi
The Inspector of Police,
All Women Police Station,
Sooramangalam, Salem District.

2.S.Kanthavel,
The Inspector of Police,
Alagapuram Police Station, Salem District.

... Respondents

PRAYER in CrI.O.P.No.16428/2019: Criminal Original Petition filed



under Section 482 of the Criminal Procedure Code to call for the records relating to the proceedings in Crime No.8 of 2019 on the file of the Inspector of police All women police station, Sooramangalam, Salem city the 1st respondent herein and quash the same.

For Petitioner : M/s.Anil Sandeep for M/s.Law Vision.

For Respondents : Mr.A.Damodaran, Addl. Public Prosecutor [R.1]
: Died [R.2]

PRAYER in CrI.O.P.No.29621/2019: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for the records relating to the proceedings in Cr.No.8/2019 on the file of the Inspector of Police All Women Police Station, Sooramangalam, Salem City the 1st respondent herein and quash the same.

For Petitioner : M/s.Anil Sandeep for M/s.Law Vision.

For Respondents : Mr.A.Damodaran, Addl. Public Prosecutor [R.1]
: Died[R.2]

PRAYER in CrI.O.P.No.6988/2021: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for the records relating to the charge sheet in C.C.No.1215 of 2020 before the Judicial Magistrate Court, Additional Mahila Court, Salem.

For Petitioner : M/s.Anil Sandeep for M/s.Law Vision.

For Respondents : Mr.A.Damodaran, Addl. Public Prosecutor [R.1]



: M/s.N.Kishore Kumar [R.2 & R.3]

PRAYER in Cont.P.No.1738/2022: Contempt Petition filed under Section 11 of the Contempt of Courts Act to punish the respondents for their willful and intentional failure to disobeying the order of this Hon'ble Court dated 26.06.2019 made in Crl.OP.No.16428 of 2019.

For Petitioner : M/s.Anil Sandeep for M/s.Law Vision.

For Respondents : Mr.A.Damodaran, Addl. Public Prosecutor.

COMMON ORDER

The Criminal Original Petitions have been filed to quash the final report in Crl.O.P.No.6988/2021 and the FIRs in Crl.OPs.16428 & 29621 of 2019 filed for the alleged offences under Sections 498 A and 506 (i) IPC. The Contempt Petition No.1738/2022 has been filed to punish the respondents for their willful and intentional failure to obey the order of this Hon'ble Court dated 26.06.2019 made in Crl.OP.No.16428 of 2019.

2. It is alleged in the final report that the de facto complaint since deceased and the 1st petitioner in Crl.O.P.No.6988/2019 got married on 25.05.2018; that after marriage the petitioners started demanding dowry and caused harassment on account of the said dowry demand; and that when the de facto complainant and her parents questioned the petitioners, they were



threatened with dire consequences and thus the petitioners have committed the aforesaid offences.

WEB COPY

3.(a). The learned counsel for the petitioners would submit that the allegations are false and do not attract any of the offences alleged. The FIR which has resulted in the impugned final report is an abuse of process of law, since the de facto complainant had suppressed several vital facts. The de facto complainant had made a representation to the Social Welfare Officer and the Social Welfare Officer passed an order on 11.03.2019 stating that the grievances of the de facto complainant was that she had a difference of opinion with the 1st petitioner and she was also aggrieved by the fact that the 1st petitioner did not take her abroad when he went there for job purposes. However, suppressing all these facts, the defacto complainant has come up with the impugned complaints.

3(b). The learned counsel would further submit that the 1st petitioner had taken all steps to take the de facto complainant to the USA and in fact, she had appeared before the US Embassy for a visa interview and she was also granted a visa. However, it is the 2nd respondent who did not



accompany the 1st petitioner to USA. The learned counsel would further submit that the de facto complainant suffered from a rare disease called Thrombotic Thrombocytopenic Purpura and subsequently, she died due to heart attack on 13.07.2020.

3(c). The learned counsel further submitted that while investigation was pending, the petitioners 2 and 3 approached this Court and filed a quash petition in CrI.OP.No.16428 of 2019 and this Court by its order dated 26.06.2019 had granted a stay of the proceedings which was periodically extended. Likewise, the 1st petitioner had filed CrI.OP.29261 of 2019 and this Court by its order dated 06.11.2019 had granted stay of the proceedings in respect of the 1st petitioner which was also periodically extended. While so, the 1st respondent had filed the final report which would amount to contempt of the orders passed by this Court. Hence, the learned counsel also submitted that the respondent police may be also punished for contempt.

4. The learned Additional Public Prosecutor would submit that there are allegations in the impugned final report which have to be adjudicated only before the Trial Court and prayed for dismissal of the quash petition



and FIRs. So far as the contempt is concerned, the learned Additional Public Prosecutor relied upon the order passed by this Court in Crl.O.P.No.22831 of 2019 dated 26.08.2019, wherein this Court had directed the respondent police to expedite the investigation and file the final report within a period of three months. Hence, it cannot be said that the 1st respondent had violated the orders of this Court.

5. The learned counsel for the de facto complainant submitted that the petitioners had suffered injuries and also relied upon a medical certificate issued by a private hospital. The learned counsel further submitted that the allegations have to be gone into by the trial Court. He further submitted that since the 2nd respondent is no more, he is appearing for the impleaded respondents/parents of the deceased de facto complainant.

6. This Court on perusal of the impugned final report finds that the allegations would not attract the offences under Sections 498 (A) and 506(i) IPC. It is admitted fact that the 1st petitioner and the de facto complainant were living together happily for some time and the 1st petitioner had taken the de facto complainant for a honeymoon trip abroad. Thereafter, the 1st



petitioner had taken steps to take her to the USA where he got employment but for some reason, the de facto complainant could not join the 1st petitioner. The Social Welfare Officer had stated in her report that the only grievance of the 2nd respondent was that the 1st petitioner did not take her to the USA. There is no allegation of any dowry demand or harassment in connection with the said demand before the Social Welfare Officer. The vague allegations in the impugned complaint that all the petitioners had harassed the de facto complainant on account of dowry demand is an afterthought. The allegations as against the petitioners are vague and no specific instance of harassment is shown. This Court is of the view that that the same has been made vindictively only to humiliate and harass the petitioners. Considering the facts of the case, this Court is of the view that the impugned final report does not disclose any of the offences alleged and is liable to be quashed. Hence, Crl.OP.Nos.16426, 29621 of 2019 and 6988 of 2021 which challenges the final report are allowed.

7. In view of the same, Crl.OP.Nos.16426, 29621 of 2019 and 6988 of 2021 are closed.

[Cont.P.No.1738/2022]



8. As regards the contempt petition, it is seen that though this Court had stayed the investigation in the crime no.8/2019 which has culminated in the impugned final report, the 1st respondent had filed the final report.

WEB COPY



9. The learned Additional Public Prosecutor would submit that the 1st respondent had to file a final report because of the orders passed by this Court in Crl.OP.22831/2019, which is a petition filed by the 2nd respondent deceased, wherein this Court had directed the respondent police to expedite the investigation and file a final report within a period of 3 months. Hence, the respondent cannot be held to be guilty of contempt.

10. The learned counsel for the de facto complainant however stated that he had stated in his petition that there was a stay order and he had also filed a vacate stay petition, hence there was no suppression of facts in his petition in Crl.OP.No.22831/19.

11. This Court is of the view that the question is not whether the de facto complainant had made any material suppression, the question is whether the 1st respondent had committed willful disobedience. In view of the order passed by this Court in Crl.OP.22831/19, directing the 1st respondent to expedite the investigation and file a final report within a period of 3 months, it cannot be said that the 1st respondent is guilty of



willful disobedience and the hence the contempt petition is closed.

WEB COPY

12. With the above observations, the Crl.OP.Nos.16426, 29621 of 2019 and 6988 of 2021 are closed and the Cont.P.No.1738 of 2022 is also closed. Consequently, connected Criminal Miscellaneous Petitions are closed.

26.06.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation :Yes/No
shr

To,

1. The Inspector of Police,
All Women Police Station,
Sooramangalam,
Salem District.
- 2.The Judicial Magistrate Court,
Additional Mahila Court, Salem.



WEB COPY

Crl.O.P.Nos.16428, 29621 of 2019, 6988 of 2021 & Cont.P.No.1738 of 2022



SUNDER MOHAN. J,
shr

(2/2)

Crl.O.P.Nos.16428, 29621 of 2019, 6988 of 2021 & Cont.P.No.1738 of
2022
and
Crl.M.P.Nos., 8245, 18729, 18731 of 2019 & 4665 of 2021

26.06.2023



WEB COPY

Crl.O.P.Nos.16428, 29621 of 2019, 6988 of 2021 & Cont.P.No.1738 of 2021

