



WEB COPY



Crl.O.P.No.13077 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.06.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.13077 of 2023

1. Vignesh
2. Mathaiyen
3. Monisha
4. Palaniyammal

...Petitioners

Vs.

State represented by;

1. The Inspector of Police,
AWPS, Dharmapuri.
Crime No.19 of 2022

2. Nivetha

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the FIR in Crime No.19 of 2022 on the file of the respondent police and quash the same.

For Petitioners : Mr.Ramesh Umapathy

For Respondents

R1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal side)



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ORDER

This Criminal Original Petition has been filed calling for the records relating to the FIR in Crime No.19 of 2022 on the file of the respondent police and to quash the same.

2. The learned counsel for the petitioners submitted that there were prior proceedings between the parties and the proceedings initiated by the defacto complainant were subsequently withdrawn. The Social Welfare Officer gave a report stating that there is no material available to sustain the claim of dowry harassment by the accused against the second respondent. The registration of present FIR against the petitioners is nothing but an exercise to harass them.

3. The learned Government Advocate (Criminal side) submitted that the investigation in this case has been completed and final report is ready. The final report will be filed before the concerned Court in due course of time.



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4. Considered the rival submissions and perused the records.

5. The FIR allegations in brief shows that the first petitioner and the second respondent were in love with each other and they got married on 01.11.2019. The first petitioner informed the second respondent that he and his family members are not expecting any dowry. But the second petitioner informed the second respondent that they have to provide 50 sovereigns of gold and car, for the reason that the first petitioner was working as a Police. The second respondent's parents gave 30 sovereigns of gold, 3 sovereigns of gold to the first petitioner and seer articles worth of Rs.2,00,000/-. They spent more than Rs.2,00,000/- for their marriage. After marriage, at the insistence of second accused, the second respondent resumed her work and paid monthly salary to her husband and then to the second accused. The third accused is the sister of the first accused. She came to the house of the first accused, for the reason that her marital life with her husband was not smooth. The third accused developed illicit relationship with the fifth



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accused and they indulged in sexual activities in the bedroom of the second respondent. When it was informed by the second respondent to the first petitioner/first accused through her cell phone, the accused 2 to 4 snatched her cell phone. When the second respondent was in her family way, she was given fruit juice with poison mixed. As a result, the foetus got aborted. Accused 2 to 4 demanded the second respondent to get 40 sovereigns of jewels and car from her father and they scolded her in filthy language and also physically hurt her. The second respondent gave a complaint at All Women Police Station, on 01.11.2021. After enquiry, as the compromise was reached, further action was dropped. Similarly, the complaint given by the second respondent under Domestic Violence Act was also not pressed for the reason that the first petitioner/first accused promised to take the second respondent to Delhi for separate living. Despite all the efforts by the second respondent to have peaceful life with the first petitioner/first accused, all the accused continued their harassment and cruelty and therefore, the complaint was given.



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6. The FIR allegations clearly make out a commission of cognizable offences by the petitioners/accused and the allegations are required to be investigated by the respondent Police for filing appropriate final report.

7. In view of the above, this Court is not inclined to quash the FIR in Crime No.19 of 2022. Accordingly, this Criminal Original Petition is dismissed.

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Index: Yes/No

Speaking Order: Yes/No



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G.CHANDRASEKHARAN.J.,

mn

To

1. The Inspector of Police,
AWPS, Dharmapuri,
- 2.The Public Prosecutor,
High Court of Madras.

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