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Crl.O.P.No.18922 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM:

THE HON'BLE Mr. JUSTICE SUNDER MOHAN

Crl.O.P.No.18922 of 2021
and Crl.M.P.No.10398 of 2021

1.Karthick
2.Suguna

...Petitioners

Versus

1.The State
Represented by the Inspector of Police
W-33, All Women Police Station
Madhavaram Range
Chennai.
(Crime No.16/2016)

2. Praveena

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, seeking to call for the records pertaining to the charge sheet culminated in C.C.No.120 of 2020 on the file of the Learned Judicial Magistrate, Madhavaram and quash the same.



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Crl.O.P.No.18922 of 2021

For Petitioners : Mr. P. Rajkumar Pandiyan
For R1 : Mr.A.Damodaran
Additional Public Prosecutor
For R2 : No Appearance

ORDER

The petition is to quash the final report for the alleged offence under Section 498 (A) of the Indian Penal Code.

2. It is alleged in the final report that the petitioners, who are the husband and mother-in-law of the defacto complainant, had caused cruelty; that the first petitioner and the second respondent got married on 15.05.2015; that prior to the marriage, they were in love with each other; that after marriage, they were living in their respective houses; that when the defacto complainant spoke to the petitioners about conducting the marriage reception, they did not show any interest and were preventing the first petitioner from joining with the defacto complainant.

3. (a) The learned counsel for the petitioners submitted that the allegations, even if accepted to be true, do not constitute the offence under Section 498 (A) of IPC; that the allegation is that the second respondent and



the first petitioner were in love with each other, and after marriage, they were living in their respective houses; that this would only suggest that the other accused did not cooperate with the second respondent in her effort to join with the first accused; that this allegation would not attract the offence under Section 498 (A) of IPC.

3. (b) He further submitted that the first petitioner had filed a petition to declare their marriage as null and void, and a compromise was arrived at between the parties, in which a Memorandum of Understanding was entered into on 03.03.2021, wherein it was recorded that the parties had settled all their disputes and had no claim as against each other. The second respondent further agreed to withdraw the allegations and expressed her no objection to quashing the impugned final report. Hence, he prayed for the quashing of the final report.

4. Mr. A. Damodaran, the learned Additional Public Prosecutor, submitted that there are allegations which have to be adjudicated only before the trial Court. Hence, he prayed for the dismissal of the quash petition.



5. Though notice was served on the second respondent/defacto complainant, none has entered an appearance on behalf of the second respondent.

6. This Court finds that the allegations in the impugned final report primarily are that the second petitioner did not allow the first petitioner to live with the second respondent. Admittedly, the first petitioner and the second respondent were living in their respective houses after their marriage. The allegations, even if accepted to be true, do not constitute the offence under Section 498 (A) of IPC. The allegations must relate to harassment on account of dowry demand or conduct of such a nature which would drive a woman to commit suicide. There are no such allegations. Hence, the offence under Section 498 (A) of IPC is not made out.

7. The first petitioner had filed a petition to declare their marriage null and void, and the said petition was allowed pursuant to the compromise arrived at between the parties. This Court finds that as the Understanding entered into between the first petitioner and the second respondent, the second respondent had agreed to file an affidavit before this Court for



quashing of the impugned final report. The relevant paragraph of the Compromise Memo is extracted hereunder for better understanding:

*“3. The **PARTY OF THE SECOND PART** shall appear before the Hon'ble High Court of Madras to file her Affidavit expressing her no objection in Criminal Original Petition of the **PARTY OF THE FIRST PART** for Quashing the Charge sheet against the **PARTY OF THE FIRST PART** and his family members in C.C.No.120 of 2020 on the file of the Learned Judicial Magistrate. Madhavaram in connection to the case in Crime No.16/2016 on the file of W33- All Women Police Station Madhavaram, Chennai, on the basis of compromise arrived between the parties.”*

8. The second respondent has not chosen to enter appearance. However, considering the nature of the allegations which do not attract the offences and the fact that the parties have entered into a compromise, this Court is inclined to quash the impugned final report.

9. Thus, for all the above reasons, the impugned final report is liable to



Crl.O.P.No.18922 of 2021

be quashed. Hence, the Criminal Original Petition is allowed. Consequently,
the connected Miscellaneous Petition is closed.

21.06.2023

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case: Yes/No
dk

To

- 1.The Judicial Magistrate,
Madhavaram.
2. The Public Prosecutor
High Court of Madras
Chennai – 600 104.
- 3.The Inspector of Police
W-33, All Women Police Station
Madhavaram Range
Chennai.



WEB COPY



Crl.O.P.No.18922 of 2021

SUNDER MOHAN, J.

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