



Crl.O.P.No.12350 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.12350 of 2023

in

Crl.M.P.No.7600 of 2023

1.S.Siva Kumar

2.S.Bhuvaneswari

3.Bhavani

...

Petitioner

VS

1.The State represented by,
The Inspector of Police,
All Women Police Station,
Villivakkam, Anna Nagar Division,
(Crime No.05 of 2023)

2.Anupriya

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to call for the records relating to the FIR in Crime No.05 of 2023 dated 01.03.2023 alleged offences under Sections 498(A), 406 IPC on the file of the 1st respondent police herein and quash the same.

For Petitioner

For R-1

...

Mr.S.Vinoth Kumar

...

Mr.Leonard Arul Joseph Selvam
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed to call for the records relating to the FIR in Crime No.05 of 2023 dated 01.03.2023 alleged offences under Sections 498(A), 406 IPC on the file of the 1st respondent police herein and quash the same.

2. It is the submission of the learned counsel for the petitioner that allegation against the 2nd and 3rd respondents are that, they made various propaganda against defacto complainant, stating that, the defacto complainant is a unchaste women. It is a false allegations. Petitioners are willing to repay the amount said to have been received by them. The ingredients for registration of First Information Report under Section 406 I.P.C are not there. Thus, he prayed for quashment of the First Information Report.

3. Learned Government Advocate (Criminal side) submitted that there are specific allegations made against the petitioners with regard to dowry harassment and cruelty perpetrated against the defacto complainant. This is a recent First Information Report and allegations made in the First Information Report had to be investigated.



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WEB COPY 4. Considered the submissions and perused the records.

5. From the First Information Report allegations, it is seen that the marriage between defacto complainant and 1st petitioner had taken place on 03.02.2021. It is alleged in the First Information Report that marriage expenses of Rs.13,00,000/- was entirely spent by the defacto complainant's parents. 1st petitioner wanted defacto complainant's father to pay for his trip to United Kingdom. When the money was not forthcoming, he started beating defacto complainant and also instructed the defacto complainant to find a job. When defacto complainant was not able to get a job, she was badly treated by spiting on her face and by beating. 2nd and 3rd petitioners made a false propaganda that 2nd respondent is a woman of unchaste character. They obtained a loan of Rs.3,10,000/- in Canara Bank and transferred the amount to the 1st petitioner's account. Again they obtained a loan of Rs.53,900/- in K.B.Bank by pleading jewels and transferred the amount. When defacto complainant demanded her jewels and cash, they refused to give her and attempted to beat her. They obtained defacto



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complainant's father signature as security for a loan of Rs.15,00,000/- from ICICI Bank. It is said that defacto complainant's husband, mother-in-law and sister-in-law are harassing her and caused cruelty against her.

6. The First Information Report allegations clearly make out commission of cognizable offence by the petitioners. As rightly pointed out by the learned Government Advocate (Criminal side), First Information Report was registered only on 01.03.2023 and investigation is in preliminary stage. The allegations in the First Information Report have to be investigated. If it is established that, the offence under Section 406 IPC is not made out, it is always open to the respondent to drop Section 406 IPC from the First Information Report. As of now, there are materials available for presuming the commission of cognizable offences by the petitioners.

7. In this view of the matter, there is no merits in the prayer seeking quashment of First Information Report in Crime No.05 of 2023 dated 01.03.2023 alleged offences under Sections 498(A), 406 IPC on the file of



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the 1st respondent police.

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8. In the result, this Criminal Original Petition is dismissed.

Consequently, the connected Miscellaneous Petition is closed.

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Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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G.CHANDRASEKHARAN, J.

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To

- 1.The Inspector of Police,
All Women Police Station,
Villivakkam, Anna Nagar Division.
- 2.The Public Prosecutor,
High Court, Madras.

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