



Crl.O.P.No.26373 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.26373 of 2019

&

CrL.M.P.No.14109 of 2019

1.Hari Prakash Agarwal

2.Vanita Bajoria

3.Rashmi Kheria

...

Petitioners

/vs/

1.State rep.by

The Inspector of Police,

W-23, All Women Police Station,

Royapettah, Chennai – 600 014.

2.Arpana Gupta

...

Respondents

PRAYER : The Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records relating to FIR in crime No.5 of 2019 pending on the file of the Inspector of Police, W-23 All Women Police Station, Chennai – 600 014 and quash the same as against the petitioners.

For Petitioners

...

Ms.Geeta Ramaseshan

For Respondent
No.1

...

Mr.L.Baskaran
Govt.Advocate (Crl.side)

For Respondent
No.2

...

Ms.K.Sridevi



Crl.O.P.No.26373 of 2019

ORDER

WEB COPY

Challenging the FIR in crime No.5 of 2019 pending on the file of the first respondent/Inspector of Police, W-23 All Women Police Station, Royapettah, Chennai – 600 014 against the petitioners, the criminal original petition has been filed.

2.The learned counsel appearing for the petitioners submitted that the respondent police registered a case against the petitioners and others in pursuance of the complaint given by one Arpana Gupta. The petitioners are cited as 3rd, 4th and 5th accused, who are the brother-in-law and sisters-in-law and they have not played any role and they have not instigated demanding dowry. The allegation of the complaint is false and thus pleaded to quash the FIR in crime No.5 of 2019.

3.The learned Government Advocate (Crl.side) appearing for the first respondent submitted that the case is under investigation and there is a specific allegation in the complaint about the harassment committed by the act of the husband, mother-in-law and sisters-in-law. Under these



Crl.O.P.No.26373 of 2019

circumstances, at the initial stage of investigation, to quash the FIR in Crime No.5 of 2019 is inappropriate. Hence, pleaded to dismiss the criminal original petition.

4.I have considered the matter in the light of the submission made by the learned counsel for the petitioners as well as the learned Govt.Advocate (Crl.side) for the first respondent.

5.On perusal of the materials and reading of the FIR, it is noticed that the respondent police registered a case in Crime No.5 of 2019 for the offences punishable under Sections 498 (A), 406 & 354 C IPC in pursuance of the complaint given by Arpana Gupta. In the complaint, it is averred that the complainant married the first accused Ravinder Gupta on 28.04.2015. Thereafter, they raised dispute with regard to demanding dowry and narrated the other facts that the petitioners' sisters-in-law are residing with them at the time of the alleged occurrence and further, it is averred that from 30.07.2019 to 16.08.2019, the petitioners joined with others harassed the complainant. The relevant portion of the complaint



runs as follows:

WEB COPY

“Thereafter from 30.07.2019 to 16.08.2019, my husband, my mother-in-law, sister-in-law and husband's uncle continuously torchered me and demanded dowry as per their earlier demands and not providing any food to me and preventing use of any articles of house, and treating me like a slave. In the meanwhile, I have received the Court Notice to my shock and surprise, my husband initiated a divorce proceedings against me in the family court of Chennai, making false allegations against me with an ulterior motive to brook vengeance against me. They also installed CCTV Cameras to monitor my privacy, they have removed lock of my room and bathroom and he has recorded me having my bath and further also threaten me that he would share the same recoding in the social media. He has also been physically abusing and assaulted me regularly without any fault on me, they have persistently insisted me to get away from my home.”

Though the abovesaid allegation is denied as false by the petitioners, it has to be investigated to find out whether the allegation is true or not. Therefore, at the initial stage of investigation, to quash the FIR is not



Crl.O.P.No.26373 of 2019

appropriate. Therefore, it does not meet the parameters laid down by the

Hon'ble Supreme Court in *State of Haryana vs. Ch.BhajanLal (AIR 1992*

SC 604), M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of

Maharashtra and others (2021 SCC online 315) & PRATIBHA RANI

Vs.SURAJ KUMAR & ANR (1985 Crl.L.J.817), the matter has to be

investigated to find out the truth. Therefore I find no merit to quash the

FIR.

Accordingly, the criminal original petition is dismissed with liberty to the petitioners to challenge the final report. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No

05.09.2023

Internet : Yes/No

sms

To

1.The Inspector of Police,
W-23, All Women Police Station,
Royapettah, Chennai – 600 014.

2.The Public Prosecutor,
High Court, Madras.

V.SIVAGNANAM,J.

sms



WEB COPY



Crl.O.P.No.26373 of 2019

Crl.O.P.No.26373 of 2019
&
Crl.M.P.No.14109 of 2019

05.09.2023