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CrI.O.P.No.29613 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.29613 of 2019

and

CrI.M.P.Nos.15998 & 15999 of 2019

1.Dhilip Seshan

2.P.Suganthi

... Petitioners

Vs.

1.The Station House Officer,
All Women Police Station,
Chidambaram,
Cuddalore District,
(Crime No.7 of 2019)

2.Guna

... Respondents

PRAYER: Transfer Petition filed under Section 482 of the Criminal Procedure Code to call for the records relating to C.C. No.79/2019 before the Judicial Magistrate No.II, Chidambaram and quash the same.

For Petitioner : M/s.G.Nivedita

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

: Mr.J.Ravi Kumar [R.2]



ORDER

The petition is to quash the final report filed for the alleged offences under Sections 498 (A), 406, 294(b), & 506 IPC.

2. It is alleged in the final report that the 1st petitioner and the de facto complainant were in love with each other and got married on 19.03.2013; that the accused/petitioners started demanding dowry and abused the de facto complainant in filthy language and caused cruelty on account of the said dowry demand; that the accused demanded Rs.30,00,000/- and since the de facto complainant did not accede to the said demand, they had caused cruelty; that the 1st petitioner had also made threats stating that if the 2nd respondent did not agree to divorce, she would have to face serious consequences.

3. The learned counsel for the petitioner would submit that the FIR was registered without conducting any preliminary inquiry in violation of the judgment of the Hon'ble Apex Court in the case of ***Lalita Kumari Vs. Government of Uttar Pradesh and other*** reported in ***[2014 (2) SCC (1)]***. Further, the final report without proper investigation was filed in a hurried



manner. The allegations are false and matrimonial differences between the husband and wife are sought to be projected as a case of dowry harassment.

The learned counsel further pointed out some earlier proceedings prior to the registration of FIR, where the 1st petitioner complained of harassment by the police at the instance of the 2nd respondent.

4. The learned Additional Public Prosecutor and the learned counsel for the 2nd respondent would however submit that the allegations attract the offences alleged in the final report. There are serious allegations against the petitioners and this has to be adjudicated only during trial.

5. The learned counsel for the 2nd respondent further pointed out some earlier orders passed by this Court in the Civil Revision Petition wherein this Court had observed that the 1st petitioner was avoiding due process of the Court. The learned counsel further submitted that the 1st petitioner had continuously violated the orders passed by this Court and a non-bailable warrant is also pending against him.



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6. This Court finds that there are allegations to proceed against the 1st petitioner. Further, in view of the submission made by the learned counsel for the 2nd respondent, this Court is not inclined to entertain the quash petition so far as the 1st petitioner is concerned. However, it is open to the 1st petitioner to raise all his contentions before the Trial Court.

7. As regards the 2nd petitioner, this Court is of the view that this is a case of love marriage between the 1st petitioner and the 2nd respondent. The allegations against the 2nd petitioner that, at the instigation of her, the 1st petitioner had demanded the dowry and had harassed the 2nd respondent is vague. This Court is of the view that the 2nd petitioner ought not to be prosecuted on the basis of such vague allegations. Hence, this Court is of the view that the impugned final report is liable to be quashed in so far as the 2nd petitioner alone is concerned.



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8. Accordingly, the Criminal Original Petition is partly allowed.

Consequently, the connected Miscellaneous Petitions are closed. The Trial Court may proceed with the trial of the 1st petitioner as expeditiously as possible.

07.06.2023

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

To.

1. The Station House Officer,
All Women Police Station,
Chidambaram,
Cuddalore District.
2. The Judicial Magistrate No.II, Chidambaram.



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SUNDER MOHAN. J,

shr

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