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Crl OP No.29950 / 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Criminal Original Petition No.29950 of 2019

and

Crl.M.P.Nos. 16178 & 16179 of 2019

1. Sarath Kumar

2. Amsaveeni

3. Sangeetha

4. Vanitha

5. Aravindan

... Petitioner/Accused

Versus

1. The State

Rep. by the Sub Inspector of Police,
All Women Police Station, Gudiyatham,
Vellore District, Vellore 632 602.

... Respondent/Complainant

2. Gayathri

... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition has been filed under Section 482
of the Criminal Procedure Code seeking to call for the records relating to



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C.C.No.208 of 2014 on the file of the Judicial Magistrate Court,
Gudiyattam and quash the same.

For Petitioners : Mr.M.Madhuprakash
For R1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)
For R2 : No appearance

ORDER

This Criminal Original Petition has been filed to quash the final report in C.C.No.208 of 2014 for the offences under Section 498(A) IPC, Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act and Section 4 of the Dowry Prohibition Act.

2. It is alleged in the Final Report that the first petitioner is the husband of the Defacto Complainant, the second petitioner is the mother-in-law of the Defacto Complainant, petitioners 3 and 4 are the sisters-in-law of the Defacto Complainant and the fifth petitioner is the uncle of the first petitioner; that the marriage between the first petitioner and the Defacto Complainant took place on 30.08.2012; that they had demanded dowry of Rs.1 lakh; that defacto complainant was subjected to



harassment on account of said dowry demand; that the Defacto Complainant became pregnant; that A1/the first petitioner demanded dowry stating that his brother had obtained more dowry from his wife; that since she refused he kicked the Defacto Complainant, as a result of which she suffered a miscarriage.

3. The learned counsel for the petitioners would submit that the impugned Final Report and the materials filed in support of Final Report do not disclose any of the offences charged against the petitioners; that subsequent to the filing of the Final Report, the first petitioner is living separately and in fact the Defacto Complainant is no longer interested in pursuing the complaint as she has remarried; that there are absolutely no allegations as against the petitioners 2 to 5 as to when they demanded dowry and when they had subjected the Defacto Complainant to harassment; and the allegations against them are vague. Hence he prayed for quashing of final report in respect of petitioners 2 to 5.

4. The learned Additional Public Prosecutor submitted that the trial had not commenced, since the Defacto Complainant had not appeared for about two hearings; that there are materials in the impugned Final Report



to show that the petitioners are guilty of the offences alleged. He submitted that in any event there is a specific overt act as against the first petitioner herein that he had attacked the Defacto Complainant. Hence he prayed for dismissal of the quash petition.

5. Though notice was received by the Defacto Complainant, none has entered appearance.

6. This Court on reading of the impugned Final Report finds that the petitioners 2 to 5 are the mother-in-law, sisters-in-law, and a distant relative of the husband of the Defacto complainant respectively. The allegations against them are vague and bereft of any particulars as to when they demanded dowry and what is the nature of harassment caused to the Defacto Complainant on account of their demand. Admittedly, the sisters-in-law are married and they have nothing to do with the marriage between the first petitioner and the Defacto Complainant. The fifth petitioner is the uncle of the first petitioner and he too had no role in the marital life of the defacto complainant. The allegations only suggest that there were some difference between the petitioner and the defacto complainant. They do not constitute the offence under Section 498A of



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IPC. The allegations are vague without any specific details. Hence the impugned Final Report against the petitioners 2 to 5 is an abuse of process of law.

7. Since the allegations against the first petitioner have to be adjudicated only in trial this Court is not inclined to quash in respect of the first petitioner alone. The proceedings against the petitioners 2 to 5 who are shown as A2 to A5 are liable to be quashed and hence quashed. The Criminal Original Petition is partly allowed insofar as the petitioners 2 to 5 are concerned. Consequently, the connected miscellaneous petitions are closed.

20.03.2023

jv

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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To

1. The Judicial Magistrate,
Gudiyattam.
2. The Sub Inspector of Police,
All Women Police Station, Gudiyatham,
Vellore District, Vellore 632 602.
3. The Public Prosecutor
High Court of Madras
Chennai – 600 104.



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SUNDER MOHAN, J.

jv

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