



1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reservation : 26/06/2023

Date of Pronouncement : 21/08/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP(MD)No.16830 of 2022

and

Crl.MP(MD)No.11271 of 2022

1.S.Indhira Kumar

2.Inbhavalli

3.Aswath Athithya : Petitioners/Accused

Vs.

1.State: rep. by

Inspector of Police,
All Women Police Station,
Thirunelveli Rural,
(Crime No.10 of 2022)

: R1/Complainant

2.Sathya

: R2/De-facto Complainant

Prayer:Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records relating to the impugned FIR in Crime No. 10 of 2022, dated 24/08/2022 on the file of the 1st respondent and quash the same in so far as the petitioners are concerned and pass such further or other orders.



WEB COPY



2

For Petitioners : Mr.Aayiram K Selvakumar
For 1st Respondent : Mr.R.Suresh Kumar
Government Advocate
(Criminal side)
For 2nd Respondent : Mr.M.S.Jeyakarthik

O R D E R

This criminal original petitions is filed seeking quashment of the FIR in Crime No.10 of 2022 on the file of the 1st respondent.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that the marriage between herself and A1 took place some one year prior to the occurrence. They started their life in the matrimonial home. Within few days, the first accused started harassing and ill-treating her stating that she is not a fit girl for him. She was also frequently assaulted. A2 and A3 were also supporting A1. At one point of time, A1 poured hot water, causing several injuries. She was also frequently physically assaulted. Because of the continuous physical assault, she was taken to her parental home. In spite of the complaint given by the de-facto complainant, no proper



action was taken by the police. On 15/05/2022 at about 10.00 am, all the accused persons came to her house and demanded her signature in a bond paper. They also demanded Rs.2,00,000/- as additional dowry. She was criminally intimidated. On the basis of the above said occurrence, a case in Crime No.10 of 2022 was registered for the offences under sections 498(A), 452, 294(b), 506(ii) IPC and section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.

3. Seeking quashment of the same, this petition has been filed on the ground that because of unnecessary trouble created by the de-facto complainant, difference of opinion arose between them, so the first petitioner/A1 filed a complaint, which was registered in CSR No.440 of 2022 by the Selaiyur Police Station; In the above said enquiry, the de-facto complainant appeared and received all of her belongings through her mother and left the matrimonial home; A divorce petition is also pending before the Sub Court, Tambaram in O.P No.136 of 2022; even though the entire issue was compromised before the Selaiyur Police, this false case has been given against the petitioners.



WEB COPY

4. During the pendency of this petition, the matter was referred to the Mediation to make a settlement between the parties, but it could not be settled for unknown reasons. So, the matter was heard on merits.

5. The first ground, on which this petition came to be filed is that when A1 filed the complaint against the de-facto complainant party before the Selaiyur Police station, a compromise was reached between the parties in CSR No.440 of 2022 and after receiving her belongings, she left the matrimonial home. So, according to them, the complaint that was given subsequent to the above said compromise is a clear after thought and harassment. The statement alleged to have been given by the second respondent namely Sathya before the Solaiyur Police Station is produced by the petitioners.

6. Reading of the above said statement shows that only at the instigation and advise, she has given a wrong statement on the previous enquiry that she administered slow poison to the members of A1 family. Now she has stated that she did not make any such illegal act. She is willing to continue the marital relationship also after



receiving her belongings and she will work out her remedy through civil process. She has been stated that she is also threatened by the first petitioner and others. The above said statement is, dated 21/04/2022. She also filed HMOP No.50 of 2022 before the Sub Court, Tirunelveli under the provision of Hindu Marriage Act seeking restitution of conjugal rights. The above said petition was filed in the month of August 2022. So, it is seen that in the above said enquiry, the above said petition has been filed seeking restitution of conjugal rights. She has mentioned the subsequent occurrence said to have been taken place, on 15/05/2022, upon which only the present complaint has been filed. Similarly, it appears that steps have been taken by the second respondent by way of filing a petition under section 156(3) Cr.P.C before the trial court, in the month of July 2022. So, it is seen that the second respondent is making contradictory statement, having given a statement before the Inspector of Police, Selaiyur Police station, she changed her version and stated that harassment was made on a particular day I.e., on 15/05/2022, for which, the first petitioner has also filed a petition seeking divorce before the Sub Court, Thambaram. It is also





WEB COPY

10. But reading of the RDO report shows that during the course of enquiry, the first petitioner expressed his un-willingness to continue the marital life. Difference of opinion arose between them over the misunderstanding. The second respondent received her jewels, articles, on 04/05/2022. So, it was concluded that no harassment took place, demanding dowry. But however, it is seen that severe injury was suffered by the de-facto complainant. As mentioned above, in the FIR itself, such an assault has been stated.

11. So I am of considered view that so far the above said assault is concerned, it is *prima facie* shows that the allegation against the first petitioner/A1 is serious in nature, it must be thoroughly investigated. Since because stay order has been passed, the investigation has not been completed so far. Let the above said investigation be completed on this aspect.

12. In so far the other petitions are concerned namely the petitioners 2 and 3/A2 and A3, I find absolutely no material. Only allegations have been made only against the first petitioner/A1.



WEB COPY

13. In respect of the in-laws, it has been belatedly stated that on 04/05/2022, all these persons trespassed into the house and demanded her consent for divorce in a bond paper, as if they demanded dowry of Rs.2,00,000/-, which allegation is not found to be correct in view of the above said finding recorded by the RDO.

14. With regard to the criminal intimidation also, only bald allegation has been made against the petitioners 2 and 3.

15. In the facts and circumstances of the case, the judgment of the Hon'ble Supreme Court in the case of ***Preethi Gupata and another Vs. State of Jharkand*** and another must also be taken into account. The Hon'ble Supreme Court has cautioned not only the Investigating officer, but also the Courts while entertaining the allegations against the in laws.

16. As stated above, after making a compromise before the police station, she has made allegation against in laws and husband as if the additional dowry and forced her to sign in the concerned document. So these



17. In so far as the first petitioner/A1 is concerned, this petition is liable to be dismissed. But the final report is ordered to be filed within a period of two months after completing the investigation by the Investigating Officer.

18. In the result, this petition is **allowed** in respect of the **petitioners 2 and 3**, who are in laws. So far the **first petitioner/A1**, who is the husband of the second respondent, this petition is **dismissed**. Consequently connected Miscellaneous Petition is closed.

Index:Yes/No
Internet:Yes/No
er



10

WEB COPY To,

- 1.The Inspector of Police,
Tirunelveli Rural,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



11

G. ILANGO VAN, J

er

Cr1.OP (MD) No.16830 of 2022

21/08/2023



WEB COPY

