



CRL O.P. No.7086 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2024

CORAM

The Hon'ble Mr. Justice P. DHANABAL

CRL OP.No. 7086 of 2022
and
Crl. M.P. N. 4048 of 2022

1. Premaraja S/o. Ramalingam
2. Ramalingam S/o. Murugesan
3. Premavathy W/o. Ramalingam ... Petitioners / Accused
Vs

State rep. by:-

1. The Inspector of Police,
All Women Police Station,
Villianur, Puducherry.
[Cr. No.2 of 2020] 1st Respondent / Complainant

2. Dr. Nanthini D/o. Kumaresan ... 2nd Respondent / Defacto
complainant.

For Petitioners : Mr. T. Saikrishnan
For Respondent : Mr. K.S. Mohandass,
Public Prosecutor [Puducherry]
Assisted by Ms. N. Denakachamy
[for R1]

Mr. E. Anbarasan [for R2]

PRAYER: - The Criminal Original Petition is filed under Section 482 of



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the Code of Criminal Procedure, 1973, praying to call for records and quash the final report in C.C. No.142 of 2021 on the file of the Chief Judicial Magistrate Court, Puducherry.

ORDER

This petition has been filed to quash the pending C.C. No.142 of 2021 on the file of the Chief Judicial Magistrate Court, Puducherry for the offences under Sections 498-A, 294(b), 406 read with 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act 1961.

2. According to the petitioners, false allegations are levelled against them and based on the complaint given by the defacto complainant, the 2nd respondent herein, the 1st respondent police have registered the FIR as against the petitioners and without proper investigation, the 1st respondent police filed final report and the trial Court has also taken cognizance and the case in C.C. No.142 of 2021 is pending. There is no prima facie material available to proceed with the case and the pending case is abuse of process of law. Therefore, the present petition has been filed.

3. The learned counsel appearing for the petitioners would submit that the 1st petitioner is the husband of the defacto complainant, the 2nd



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and 3rd petitioners are in-laws and they have not committed any offence as alleged in the charge sheet. Based on the false complaint given by the 2nd respondent, the 1st respondent has registered the case in Cr. No.2 of 2020. The 1st respondent police without conducting proper investigation mechanically filed the charge sheet and the same was taken on file in C.C. No.142 of 2021. There is no prima facie material as against these petitioners to constitute offences under Sections 498-A, 294(b), 406 read with 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act 1961 and thereby pending charge sheet is abuse of process of law. Due to matrimonial dispute pending between the parties, this false complaint has been lodged as against the petitioners. Hence proceedings in C.C. No.142 of 2021 have to be quashed.

4. The learned Public Prosecutor (Puducherry) appearing for the 1st respondent State represented that the 2nd respondent had given a complaint stating that these petitioners have caused cruelty and abused obscene words and retained the jewels given at the time of marriage and also demanded dowry and harassed the petitioner, thereby she gave a



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complaint and based on the complaint, they registered a FIR in Cr. No.2 of 2020 and thereafter, they conducted investigation and statements have been recorded from the witnesses and prima facie case is made out. Thereafter, charge sheet was filed and the Trial Court has taken the case on file in C.C. No.142 of 2021 and the petitioners have to face the trial. Therefore, the present petition is liable to be dismissed.

5. The learned counsel appearing for the 2nd respondent reiterated the arguments of the Public Prosecutor (Puducherry) and also he stated that the petitioners demanded dowry from the 2nd respondent and also harrassed and caused cruelty to her. Therefore, she gave a complaint. Therefore, the petition is liable to be dismissed.

6. Heard both sides and perused all the materials available on record.

7. In this case, based on the complaint given by the 2nd respondent, the 1st respondent police registered a case in Cr. No.2 of 2020. Thereafter, they conducted detailed investigation, examined the witnesses and recorded their statements. As per the statements recorded,



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prima facie case is made out and thereby, the respondent police have filed charge sheet. After perusing the charge sheet, the learned Chief Judicial Magistrate, Puducherry, after applying his mind, has taken cognizance for the offences under Sections 498-A, 294(b), 406 read with 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act 1961.

8. This Court also perused the entire materials and found prima facie materials available to proceed the case. Further the learned Magistrate also after applying mind only, has taken cognizance. The veracity of the statements of witnesses cannot be tested at this stage and it is the matter of trial. Therefore, the petitioners have to face the trial. Hence, there are no grounds to quash the proceedings in C.C. No.142 of 2021.

9. As per the guidelines of the judgment of Hon'ble Apex Court in ***Neeharika Infrastructure Pvt.Ltd.***, case reported in ***2021 SCC Online SC 315***, there is no ground to quash the proceedings. It is the matter of trial to decide the genuineness and veracity of the statements of the



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witnesses. Therefore, the petitioners have to appear before the Trial Court to face the trial. But, considering the age of the petitioners 2 and 3, this Court is inclined to dispense with the personal appearance of the petitioners 2 and 3. The Trial Court may direct the petitioners 2 and 3 to appear as and when required. Based on the Trial Court's direction, the petitioners 2 and 3 have to appear before the Trial Court.

10. With the above observations, the Criminal Original petition is dismissed. Consequently, the connected miscellaneous petition is closed.

13.08.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

P.DHANABAL,J
mjs

To

1. The Chief Judicial Magistrate, Puducherry.
2. The Inspector of Police,

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All Women Police Station,
Villianur, Puducherry.

3.The Public Prosecutor, High Court, Madras.

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