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CrI.O.P.No.7630 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2024

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

CrI.O.P.No.7630 of 2024

and

CrI.M.P.No.5524 of 2024

1.M.Ganesh

2.Muthukumarasamy

3.M.Arulmozhi

... Petitioners

Vs.

1.The State

Rep by Inspector of Police,

Orlenpet, Puducherry.

Crime No.1 of 2024

2.Rubini

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the FIR in Crime No.01 of 2024 on the file of the 1st respondent police and quash the same as against the petitioners.

For Petitioners : Mr.K.Chandrakumar

For R1 : Mr.V.Ramachandramurthy

Addl. Public Prosecutor (Puducherry)

Assisted by Mr.A.Alexander

ORDER



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This Criminal Original Petition has been filed to quash the FIR in Crime No.01 of 2024 on the file of the 1st respondent police.

2. The petitioners are the husband, father-in-law and mother-in-law of the 2nd respondent/*de-facto* complainant. The marriage of the 1st petitioner and 2nd respondent was solemnized on 09.02.2014 at Ocean Spray at ECR, Pondicherry. It is alleged that the 2nd respondent's family spent Rs.3,00,000/- towards betrothal expenses and Rs.25,00,000/- towards marriage reception and the petitioners forced the 2nd respondent's family to pay their loan to the tune of Rs.70 lakhs, which was also paid by the 2nd respondent's family. Thereafter, the petitioners demanded a huge dowry from the 2nd respondent's family, thereby initially the 2nd respondent made complaint u/s 342 and 34 of IPC on 16.12.2023. Challenging the same, the petitioners filed a quash petition before this Court and the same is pending. In the meanwhile, the 1st petitioner filed a divorce petition u/s 13(1)(a) of Hindu Marriage Act, 1955 before the Family Court, Puducherry and the same has been numbered as O.P.No.698 of 2023 and posted for hearing on 27.02.2024. In the meanwhile, the 2nd respondent preferred another complaint as against the



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petitioners in Crime No.1 of 2024 on the file of the 1st respondent u/s 294(b), 34 and 498-A of IPC and Section 4 of Dowry Prohibition Act, 1961. Hence, the present criminal original petition has been filed by the petitioners to quash the said FIR.

3. Mr.K.Chandrakumar, learned counsel for the petitioners submitted that, though initially complaint u/s 342 and 34 of IPC is filed and challenging the same, already the petitioners have filed a quash petition before this Court in Crl.O.P.No.7331 of 2024 and the same is pending, however, for the very same offence, the 2nd respondent made another complaint, which is not sustainable. Further, he submitted that, there is no evidence or materials available to proceed with the case and the said issue was strictly covered by the order passed by the Hon'ble Supreme Court in the case of *State of Haryana Vs. Bajan Lal*. reported in *1998 (5) SCC 342* and in the light of the above ruling, the learned counsel for the petitioners seeks to quash the FIR in Crime No.1 of 2024 on the file of 1st respondent.



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4. Mr.V.Ramachandramurthy, learned Additional Public Prosecutor (Puducherry) assisted by Mr.A.Alexander, learned counsel appearing for the 1st respondent submitted that, if this petition is allowed and FIR is quashed, it amounts to the violation of the guidelines issued by the Hon'ble Supreme Court in the case of *State of Haryana Vs. Bajan Lal*. Facts disputed can be considered only at the time of trial, if the charge sheet had been filed. It is not for this Court to consider the disputed facts while exercising discretion under Section 482 of Cr.P.C.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor (Puducherry) assisted by the learned counsel appearing for the 1st respondent and also perused the materials available on record.

6. It is for the law enforcing agency to proceed with the investigation and in the investigation, if cognizable offence is made out, the law enforcing agency shall file charge sheet before the concerned jurisdictional magistrate. However, FIR cannot be interfered with at initial stage. Therefore, this Court is of the view that this is not a fit case.



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7. In view of the above, the Investigation Officer is directed to proceed with the investigation and lay final report as expeditiously as possible.

8. With the above direction, this Criminal Original Petition is dismissed. Consequently, the connected criminal miscellaneous petition is closed.

01.04.2024

Index :Yes/No
Speaking/Non-speaking order
NCC :Yes/No
sp

To

1.The Inspector of Police,
Orlenpet,
Puducherry.

2.The Public Prosecutor,
High Court of Madras.



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M. DHANDAPANI.J.,

sp

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