



CRL OP(MD)No.16041 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 12.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CRL.O.P(MD)No.16041 of 2021
and
Crl.M.P(MD) No.8606 of 2021

Kalpana

... Petitioner

Vs

1.The State rep by
The Inspector of Police,
All Woman Police Station,
Paramakudi, Ramanathapuram District.
(Crime No.19 of 2021)

2.Priya

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the entire records pertaining to the case in Crime No.19 of 2021 pending on the file of the Inspector of Police, All Women Police Station, Paramakudi, Ramanathapuram District and quash the same as against the petitioner.

For Petitioner : Mr.R.Anand

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R2 : Mr.B.Muruganantham



CRL OP(MD)No.16041 of 2021

ORDER

WEB COPY

Seeking to quash the FIR in Crime Number.19 of 2021 of All Women Police Station, Paramakudi, Ramanathapuram District, the present petition is filed by the third accused.

2. The case of the prosecution, in a nutshell, is as follows:-

(i) The defacto complainant and the first accused married each other during July 2020. According to the defacto complainant, her husband (A1) was having an extra-marital affair with a lady by name Deepa Damodharan. When this was questioned by her, the first accused abused her in filthy language and also threatened her that he would inform his family members that she is in relationship with another man. Subsequently, she was forcibly made to abort her two month old foetus by her mother-in-law (A2) and sister-in-law (A3). It is her further contention that her husband insisted her and her parents to execute a deed in respect of their family properties in his favour.

(ii) Based on the complainant given by the defacto complainant, the Inspector of Police, All Women Police Station, Paramakudi, registered the FIR in Crime No.19 of 2021 against the accused 1 to 3 for



CRL OP(MD)No.16041 of 2021

the offences punishable under Sections 498(A), 294(b) and 506(I) of IPC and Section 4 of Dowry Prohibition Act.

3. Mr.R.Anand, learned counsel appearing for the petitioner would contend that there are no allegations against the present petitioner/sister-in-law of the defacto complainant and that she is residing in Pune. The only allegation made against the present petitioner is that she and her mother (Mother-in-law of the defacto complainant) forcibly made the defacto complainant to abort her two month old foetus. He also relied on the decision of Hon'ble Supreme Court in *Neelu Chopra and Another Vs Bharti* reported in *(2009) 10 SCC 184* and contended that when the complaint is seen as a whole, it is basically against the accused 1 and 2 and not against the present petitioner and that there is no allegation against the present petitioner to attract the offences under Sections 498(A), 294(b) and 506 (i) of IPC and Section 4 of Dowry Prohibition Act, 1961.

4. Per contra, Mr.B.Muruganantham, learned counsel for the defacto complainant would contend that the FIR is not an encyclopedia



CRL OP(MD)No.16041 of 2021

and only during investigation, the police can find out the actual offences committed by the present petitioner.

5. Mr.R.M.Anbunithi, learned Additional Public Prosecutor appearing for the respondent police would contend that since an order of stay was granted by this Court, the police is not proceeding further with the investigation and that the defacto complainant had given a statement under Section 161(3) Cr.P.C. before the police, in which, she had stated that she was also residing at Pune with her husband. His specific contention is that all the incidents took place only at Pune and therefore, the case against the present petitioner cannot be quashed.

6. A perusal of the complaint shows that it is a matrimonial dispute between the husband and wife. The wife stated that her husband and in-laws demanded dowry from her and also abused her in filthy language. Though the family belonged to Kamudhakudi Village at Ramanathapuram Distirct, the first accused and the defacto complainant were residing at Pune for a short period, during which time, the defacto complainant came to know about the extra-marital affairs of the first accused with one Deepa Damodharan. When this was questioned by her,



CRL OP(MD)No.16041 of 2021

she was abused in filthy language by her husband. The allegation against the present petitioner is that she forced the defacto complainant to abort two month old foetus. Without the consent of the defacto complainant, there cannot be any abortion. It is not also the case of the defacto complainant that she was administered any tablet by her sister-in-law without her knowledge, when all of them were residing at Pune. Thus, the allegations in the FIR do not prima facie show any commission of offence by the present petitioner and therefore, the FIR in Crime No. 19 of 2021 is liable to be quashed.

7. Accordingly, this Criminal Original petition is allowed and the FIR in Crime No. 19 of 2021, on the file of the Inspector of Police, All Woman Police Station, Paramakudi, Ramanathapuram District, is quashed as against the present petitioner alone. Consequently, connected miscellaneous petitions are closed.

12.03.2024

Index :Yes/No
Internet :Yes/No
NCC :Yes/No
cp



CRL OP(MD)No.16041 of 2021

WEB COPY

To

- 1.The Inspector of Police,
All Woman Police Station,
Paramakudi,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL OP(MD)No.16041 of 2021

R.HEMALATHA,J.

cp

CRL OP(MD)No.16041 of 2021

12.03.2024