



WEB COPY



Crl.O.P.No.9475 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9475 of 2025

and

Crl.M.P.Nos.6267 and 6268 of 2025

M.Sangeetha

... Petitioner

Vs

1. The State,
Rep. by Inspector of Police,
Melapadi Police Station,
Vellore - 632 520.

2. Vennila

... Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.383 of 2023 on the file of the learned Mahila Court at Vellore and quash the same insofar as this Petitioner/A4 is concerned.

For Petitioner : Mr.M.Rajasekar

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side) (for R1)



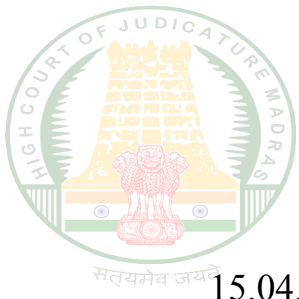
CrI.O.P.No.9475 of 2025

WEB COPY

ORDER

This Criminal Original Petition has been filed to quash C.C.No.383 of 2023 on the file of the Mahila Court at Vellore, thereby taken cognizance for the offences under Sections 294(b) and 306 of IPC.

2. The case of the prosecution is that the de-facto complainant, viz., Vennila, who is the mother of the deceased Bhavani, has lodged complaint on 20.04.2020 alleging that when she used to visit her grandmother in Vallimalai Village, the deceased got acquainted with the A1, viz., Dhandapani, and fell in love with him and got married in the year 2011. After marriage, her daughter along with A1 to A3 stayed together in Vallimalai Village. The deceased had given birth to one girl and one boy child aged about 8 years and 6 years respectively. The A1 was employed as a Mason. After marriage, she was treated well but for the past 2 to 4 years, there had been misunderstandings in the family and she had been abused by A2 to A4 in filthy language and she had also been suspected of infidelity by them. However, when the same was brought to the knowledge of A1 by the deceased, instead of advising A2 to A4, he scolded the deceased. On



CrI.O.P.No.9475 of 2025

WEB COPY

15.04.2020, the deceased was abused with filthy language by A2 and A3 and the said incident caused her to commit suicide by locking the door, pouring kerosene and lighting herself to fire. Thereafter, she was taken to Walajah Government Hospital and then for further treatment, she was taken to Vellore CMS. However, she died on 20.04.2020. The husband of the deceased was arrayed as A1, Father-in-law of the deceased was arrayed as A2, mother-in-law of the deceased was arrayed as A3 and the petitioner/sister-in-law of the deceased was arrayed as A4.

3. The learned Counsel appearing for the petitioner would submit that though there are specific allegations against the other accused persons, there are no specific overt acts attributed against the petitioner who is arrayed as A4. He would further submit that the petitioner is innocent and she has not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.131 of 2020 for the offences under Sections 294(b) and 306 of IPC, as against the petitioner and the same was taken cognizance in C.C.No.383 of 2023 on the file of the Mahila Court at Vellore. Hence he prayed to quash the same.



Crl.O.P.No.9475 of 2025

WEB COPY

4. The learned Government Advocate (Crl. Side) would submit that the trial has been commenced and some of the witnesses have been examined in this case.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the materials available on record.

6. On a perusal of the records, it is revealed that, in the present case, there are specific allegations against the petitioner as well. In fact, the deceased, on her deathbed, deposed about the petitioner to her mother. Further, there is also evidence to show that the deceased had already attempted to commit suicide three times; it shows that the deceased was in continuous cruelty at the hands of all the accused persons.

7. It is seen that on the complaint lodged by the second respondent, the first respondent registered a case in Crime No.798 of 2011



Crl.O.P.No.9475 of 2025

WEB COPY

for the offences under Sections 294(b) and 306 of IPC. After completion of investigation, the first respondent filed final report and the same was taken cognizance in C.C.No.383 of 2023 by the trial Court and it is pending. To quash the said criminal proceeding, the petitioner has filed the present petition.

8. The Hon'ble Supreme Court of India in the judgment reported in **2019 (4) SCC 351** in the case of ***Devendra Prasad Singh Vs. State of Bihar & Anr., (Crl.A.No.579 of 2019 dated 02.04.2019)*** while dealing with the petition to quash the entire criminal proceedings held that the High Courts have no jurisdiction to appreciate the statement of the witnesses and record a finding that there were inconsistencies in their statements and therefore, there was no *prima facie* case made out as against the accused. It could be done only by the trial Court while deciding the issues on the merits or/and by the Appellate Court while deciding the appeal arising out of the final order that the charge sheet has been laid on the basis of the inconsistency statement under Section 161 of Cr.P.C.



Crl.O.P.No.9475 of 2025

WEB COPY

9. Further, the Hon'ble Supreme Court of India in the judgment reported in **2019 (10) SCC 686** in the case of ***Central Bureau of Investigation Vs. Arvind Khanna, (Crl.A.No.1572 of 2019*** dated 17.10.2019) held that the High Courts cannot record the findings on the disputed facts. The defence of the accused is to be tested after appreciation of evidence by the trial Court during the trial. Therefore, this Court has no power to consider the disputed facts under Section 482 of Cr.P.C.

10. The Hon'ble Supreme Court of India in another judgment dated **02.12.2019** passed in ***Crl.A.No.1817 of 2019*** in the case of ***M.Jayanthi Vs. K.R.Meenakshi & anr***, held that while considering the petition for quashment of complaint or charge sheet, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. Further, the Court can also see whether the preconditions requisite for taking cognizance have been complied with or not and whether the allegations contained in the complaint, even if accepted in entirety,



Crl.O.P.No.9475 of 2025

WEB COPY

would not constitute the offence alleged. Whether the accused will be able to prove the allegations in a manner known to law would arise only at a later stage i.e., during trial.

11. Further this Court cannot observe at this stage whether the initiation of criminal proceeding itself is malicious or not. The same is required to be considered at the conclusion of the trial. Therefore, the ground raised by the petitioner to quash the final report/charge sheet cannot be entertained to quash the entire proceedings.

12. In view of the above discussion, this Court is not inclined to quash the proceedings in C.C.No.383 of 2023 on the file of the Mahila Court, Vellore. The petitioner is at liberty to raise all the grounds before the trial Court.



Crl.O.P.No.9475 of 2025

13. Accordingly, the Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petitions are also closed.

01.04.2025

Index: Yes/No
Neutral Citation/Yes/No
kv

To

1. The Inspector of Police,
Melapadi Police Station,
Vellore - 632 520.
2. The Mahila Court at Vellore.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.9475 of 2025

G.K.ILANTHIRAIYAN, J.

kv

Crl.O.P.No.9475 of 2025

01.04.2025