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*Crl.O.P.No. 6449 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

**Crl.O.P.No.6449 of 2025 and**  
**Crl.M.P.No.4116 of 2025**

1.B.Prabhu  
2.B.Pushpa

... Petitioners

Vs

1.State By  
The Inspector of Police,  
All Women Police Station (East)  
Coimbatore.  
(Crime No.41 of 2022)

2.M.Nishanthini

... Respondents

**PRAYER:** Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the entire records pertaining to C.C.No.543 of 2024 on the file of the Judicial Magistrate, Additional Mahila Court, Coimbatore and quash the same.

|                 |                                                    |
|-----------------|----------------------------------------------------|
| For Petitioners | : Mr.V.Lakshmi Narayanan                           |
| For R1          | : Mr.A.Gopinath,<br>Government Advocate (Crl.side) |
| For R2          | : Mr.M.Vijayaragavan                               |



*CrI.O.P.No. 6449 of 2025*

WEB COPY

### **ORDER**

This Criminal Original Petition has been filed to quash the proceedings in C.C. No. 543 of 2024 pending on the file of the Judicial Magistrate, Additional Mahila Court, Coimbatore.

2. The case of the prosecution is that the first petitioner married the second respondent on 01.09.2019. During their marriage, the family members of the second respondent presented 10 sovereigns of jewelry and household articles as dowry. However, even after the marriage, the accused allegedly threatened the second respondent with dire consequences, demanded a huge dowry, scolded her using filthy language, and physically assaulted her. As a result, the second respondent sustained injuries and sought medical treatment. Based on a complaint lodged by the second respondent, an FIR was registered by the first respondent in Crime No. 41 of 2022 for offences under Sections 498(A), 323, 506(i), and 294(b) of IPC. After completion of the investigation, a final report was filed, which was taken cognizance by the Judicial Magistrate, Additional Mahila Court, Coimbatore and summons



*CrI.O.P.No. 6449 of 2025*

were issued to the petitioners.

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3. The learned counsel for the petitioners submits that the allegations made by the second respondent are bald and vague, as no specific place or date has been mentioned for the alleged incidents. In fact, the first petitioner filed a petition for divorce on 26.07.2022. The second respondent lodged the complaint on 30.07.2022, immediately after the divorce petition had been filed. The first respondent had already enquired and closed the previous complaint. That apart, the first respondent, without conducting any preliminary enquiry as directed by the Hon'ble Supreme Court, proceeded to register the FIR. Hence, the final report filed cannot be sustained and the petitioners seek the quashing of the FIR.

4. The learned Government Advocate (crl.side) submits that there is sufficient evidence to proceed with the case. The charges under Sections 498(A), 323, 506(i), and 294(b) of the IPC are well-founded, and the investigation has provided adequate proof to support the



CrI.O.P.No. 6449 of 2025

WEB COPY

prosecution's case. He request the court to proceed with the matter in accordance with the law, ensuring that justice is served for the aggrieved party.

5. Heard both sides and perused the material placed before this Court.

6. On perusal of the record, it is clear that specific averments have been made against the petitioners, which *prima facie* attract the offences under Sections 498(A), 323, 506(i), and 294(b) of IPC. That apart, the second respondent sustained injuries and sought treatment. There is no legal bar on filing multiple complaints by the aggrieved party. The second FIR is not in violation of any provision of the Criminal Procedure Code (Cr.P.C.). Therefore, the aggrieved person can lodge as many complaints as necessary and ultimately, the concerned jurisdictional Court can entertain the complaint through a private complaint if required. Further, though the first respondent filed a petition for divorce in H.M.O.P. No. 1393 of 2022, it was taken on file by the Family Court,



*CrI.O.P.No. 6449 of 2025*

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Coimbatore, on the same day and no notice was issued. Hence, the second respondent lodged the complaint for cruelty, which was based on the events as alleged to have occurred.

7. 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., (CrI.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 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. Fruther, the Hon'ble Supreme Court of India in the judgment



*CrI.O.P.No. 6449 of 2025*

WEB COPY

reported in **2019 (10) SCC 686** in the case of ***Central Bureau of Investigation Vs. Arvind Khanna, (CrI.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 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

9. The Hon'ble Supreme Court of India in another judgment dated **02.12.2019** passed in ***CrI.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



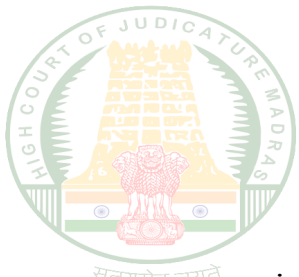
*CrI.O.P.No. 6449 of 2025*

WEB COPY

accepted in entirety, 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.

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

11. In view of the above, this Court is not inclined to quash the entire proceedings in C.C. No. 543 of 2024 pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Coimbatore. However, the appearance of the second petitioner alone before the Trial Court is hereby dispensed with and she shall be represented by a counsel after filing appropriate application. However, the second petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 351 of BNSS and at the time of



*CrI.O.P.No. 6449 of 2025*

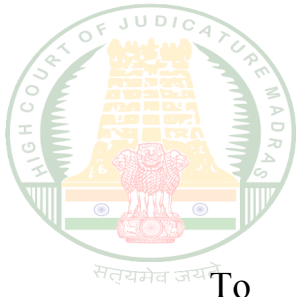
passing judgment.  
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12. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petitions is closed.

**28.03.2025**

Internet: Yes  
Index: Yes/No  
Speaking/Non speaking order  
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*CrI.O.P.No. 6449 of 2025*

To  
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1. The Judicial Magistrate, Additional Mahila Court, Coimbatore
2. The Inspector of Police,  
All Women Police Station (East)  
Coimbatore.  
Krishnagiri District.
3. The Public Prosecutor,  
High Court, Madras.



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*CrI.O.P.No. 6449 of 2025*

**G.K.ILANTHIRAIYAN. J,**

shk

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