



Crl.O.P.No.6151 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.6151 of 2024 and

Crl.M.P.No.4485 of 2024

1. Ravisankar
2. Parthasarathy
3. Jayanthi
4. Rajasekar
5. Bharathi
6. Rajesh @ Ramesh

... Petitioners

Vs.

1. State Rep. by
The SHO,
All Women Police Station
Villianur, Puducherry

2. Priyanka

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the entire records pertaining to the impugned charge sheet in C.C.No.804 of 2023 in Crime No.05 of 2023 on the file of the learned Chief Judicial Magistrate at Puducherry and quash the same as illegal, incompetent and against the nature of justice.



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For Petitioners : Mr.T.Elumalai
For 1st Respondent : Mr.K.S.Mohandass
Additional Public Prosecutor (Puducherry)
Assisted by Mrs.N.Danalatchumy, Advocate
For 2nd Respondent : Mr.K.Sasindran

ORDER

This Criminal Original Petition has been filed by the petitioners to quash the impugned charge sheet in C.C.No.804 of 2023 in Crime No.05 of 2023 on the file of the learned Chief Judicial Magistrate at Puducherry, against the petitioners as illegal, incompetent.

2. The learned counsel for the petitioner submitted that based on a false complaint, the Chief Judicial Magistrate, Puducherry, issued directions to the 1st respondent, invoking Section 156(3) of Cr.P.C. in Crl.M.P.No.1677 of 2023 on 02.03.2023 and based on which, the 1st respondent registered a false case against the petitioners in Crime No.05 of 2023 for the offences under Sections 498A, 294(b), 506(ii) read with Section 149 IPC and Sections 3 and 4 of



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Dowry Prohibition Act, 1961. Subsequently, after completion of investigation,

the 1st respondent filed the charge sheet and the same has been taken on file in

C.C.No.804 of 2023 on the file of the Chief Judicial Magistrate, Puducherry.

But the fact is that the defacto complainant/2nd respondent hardly lived in the matrimonial home i.e. only for 45 days she lived in the matrimonial home and that there was only a family dispute. He also submitted that no ingredient is made out for the alleged offences. Therefore, the charge sheet against the petitioners has to be quashed.

3. The learned Additional Public Prosecutor (Puducherry) submitted that the defacto complainant lodged a complaint against the petitioners for dowry harassment and based on the directions of the Court, the FIR came to be registered and after completion of investigation, the charge sheet was filed and the same has also been taken on file. The statements recorded from the witnesses reveal the ingredients of the alleged offences. Therefore, this petition is liable to be dismissed.



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4. Heard both sides and perused the materials available on record.

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5. A reading of the FIR and the statements recorded from the defacto complainant/2nd respondent and the witnesses shows prima facie materials and also the ingredients of the alleged offences. The grounds taken by the petitioners are nothing but defence which can be agitated only during trial.

6. Since prima facie materials are available to proceed the case further as against the petitioners, this Court is not inclined to quash the charge sheet against the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed with liberty to the petitioners to take all their defence before the trial Court during trial.

8. Consequently, connected Miscellaneous Petition is closed.

29.01.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The Chief Judicial Magistrate at Puducherry
2. The SHO,
All Women Police Station, Villianur, Puducherry
3. The Public Prosecutor (Puducherry)
High Court of Madras



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P.VELMURUGAN. J.

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