



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2025

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THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

**CRL OP No. 7589 of 2025
and CMP No.4871 of 2025**

1. BAKKIYALAKSHMI

2. RAMADASS

3. Gothandaraman @ Kothandaraman

4. GEETHA

Petitioners

Vs

1. State By

The Inspector Of Police,
AWPS Valasaravakkam, Koyambedu,
Chennai.Cr.No.1 Of 2025.

2. VENNILA

Respondents

PRAYER

Petition filed under Section 528 of Bhartiya Nagrik Suraksha Sanhita (BNSS) 2023, to call for the records and quash the proceedings concerned in Cr.No.01 of 2025, on the file of Inspector of police, All Women Police Station, Valasaravakkam, Chennai.

For Petitioners: Mr. S. Madhanraj

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



ORDER

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This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.01 of 2025 pending on the file of the first respondent.

2. The case of the prosecution is that the defacto complainant got married with the accused/A1 on 07.02.2022 with 100 Sovereigns of Gold ornaments and 5 Kg of Silver articles as “*Sridhana*” as demanded by the accused persons. Due to a matrimonial dispute with her in-laws, the defacto complainant would often to to her parent's house and return to the matrimonial home frequently. Therefore, the defacto complainant's parents supported her further studies. While so, the defacto complainant had a quarrel with her husband/A1 over the issue of a nuclear family. She had taken all the gold jewels to her parents house and had also joined a degree course to study further, which lead to heated arguments between them. Thereafter, she consumed 10 tablets of Dolo 650 on 20.01.2025. She was taken to the first repsondent Police station and thereafter to the hospital for treatment. Based on the complaint of the second



respondent/defacto complainant, the first respondent Police registered the First

Information Report in Crime No.01 of 2025 for the offences under Sections

498(A), 115(2) and 351(3) of BNS, 2023. Hence, the case.

3. Learned counsel for the petitioners submits that the only allegation as against these petitioners/A2 to A5 is that, at the inducement of the first accused, they had harrassed and committed cruelty against the second respondent/defacto complainant by demanding jewels. Further, he submits that the first accused is none other than the husband of the defacto complainant.

4. Learned Government Advocate (Criminal side) appearing for the respondent Police submitted that the investigation is almost completed and the respondent Police have only to file a final report.

5. Heard the learned counsel appearing on either side and perused the materials placed on record.



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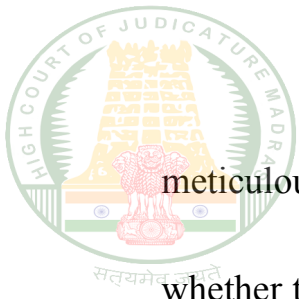
6. On perusal of the First Information Report reveals that the allegations as against these petitioners, which attract the offence, are that they demanded dowry from the second respondent six months after the marriage, as instigated by the first accused. Thereafter, when the jewels were in the custody of the second respondent parent's house, the petitioners, along with the first accused demanded the jewels kept at the defacto complainant's maternal house, and thereby, they allegedly harassed and committed cruelty. Therefore, the case in Crime No.01 of 2025 was registered against these petitioners for the alleged offences as stated supra.

7. It is seen from the First Information Report that there are specific allegations as against the petitioner to attract the offence, which has to be investigated in depth. Further the First Information Report is not an encyclopedia and it need not contain all facts and it cannot be quashed in the threshold. This Court finds that the First Information Report discloses *prima facie* commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating machinery has to step in to investigate,



grab and unearth the crime in accordance with the procedures prescribed in the

8. The Hon'ble Supreme Court of India passed in the judgment reported in **2019 (14) SCC 350** in the case of ***Sau. Kamal Shivaji Pokarnekar vs. The State of Maharashtra & ors., (Crl.A.No.255 of 2019 dated 12.02.2019)*** held that the learned Magistrate while taking cognizance and summoning, is required to apply his judicial mind only with the view to taking cognizance of the offence whether a prima facie case has been made out for summoning the accused person. The learned Magistrate is not required to evaluate the merits of the materials or evidence in support of the complaint, because the Magistrate must not undertake the exercise to find out whether the materials would lead to conviction or not. Only in a case where the complaint does not disclose any offence or is frivolous, vexatious or oppressive, the complaint/FIR can be taken for consideration for quashment. If the allegations set out in the complaint do not constitute the offence of which cognizance has been taken by Magistrate, it can be considered for quashment. Therefore, it is not necessary that a



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meticulous analysis of the case should be done before the trial to find out whether the case would end in conviction or acquittal. If it appears on a reading of the complaint and consideration of the allegations therein, in the light of the statement made on oath that the ingredients of the offence are disclosed, there would be no justification to interfere. At the initial stage of issuance of process, it is no open to the Court to stifle the proceedings by entering into the merits of the contentions made on behalf of the accused. Therefore, the criminal complaint cannot be quashed only on the ground that the allegations made therein appear to be of a civil nature. If the ingredients of the offence alleged against the accused are prima facie made out in the complaint, the criminal proceeding shall not be interdicted.

9. Further, the Hon'ble Supreme Court of India issued directions in the judgment reported in **2021 SCC Online SC 315** in the case of ***M/s.Neeharika Infrastructure Pvt. Ltd., Vs. State of Maharashtra & ors.***, as follows :-

- “23.
- vi) *Criminal proceedings ought not to be scuttled at the initial stage;*
 - vii) *Quashing of a complaint/FIR should be an*



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exception rather than an ordinary rule;

.....

xii) The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;

.....

xv) When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR;
.....”

10. In view of the above discussions, this Court is not inclined to quash

the First Information Report. The first respondent is directed to complete the



investigation in Crime No.01 of 2025 and file a final report within a period of twelve (12) weeks from the date of receipt of a copy of this order, before the jurisdiction Magistrate, if not already filed.

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11. With the above direction, the Criminal Original Petition is dismissed.

Consequently, the connected miscellaneous petition is also closed.

17-03-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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G.K.ILANTHIRAIYAN J.

klr

To

1.The Inspector Of Police,
AWPS Valasaravakkam, Koyambedu, Chennai.
(Cr.No.1 Of 2025)

2.The Public Prosecutor,
High Court, Madras.

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