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Crl.O.P.No. 10056 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2025

CORAM:

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

Crl.O.P.No.10056 of 2025 and
Crl.M.P.Nos.6674 and 6677 of 2025

1.Ajit Kumar

2.Rajkumari

... Petitioners

Vs.

1.State, rep. by the
Inspector of Police,
W4 -AWPS Kilpauk Police Station,
Chennai.
(Crime No.11 of 2022)

2.Dr.Monica P. Jain

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in C.C.No.44 of 2024 on the file of learned Additional Mahila Court, Egmore, Chennai and quash the same.

For Petitioners : Mr.G.Kalyan Jhabakh



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Crl.O.P.No. 10056 of 2025

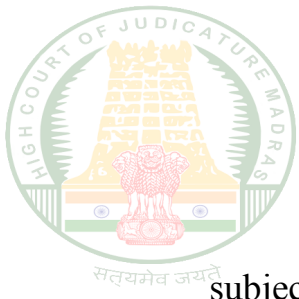
For R1 : Mr.R.Vinothraja,
Government Advocate (crl.side).

For R2 : Mrs.Jayanthi K.Shah

ORDER

This petition has been filed seeking the quashing of the proceedings in C.C.No.44 of 2024 on the file of the learned Additional Mahila Court, Egmore, Chennai.

2. The case of the prosecution is that the second respondent was engaged to the first accused on 12.01.2020 at the Taj Club Houes, Chennai and married him on 15.01.2020 at the Ramoji Film City, Hyderabad. The entire wedding expenses were borne by her. After marriage, she was made to stay at her in-laws' home in Chennai under the pretext of COVID-19 restrictions, allegedly to delay her travel to the U.S. Eventually, she traveled to the U.S. with the petitioners' son, leaving her jewelry and personal belongings with the third accused namely, the second petitioner herein. The second respondent alleged that she was

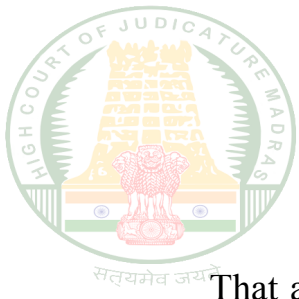


Crl.O.P.No. 10056 of 2025

WEB COPY

subjected to repeated dowry harassment and defamation by the petitioners. Despite multiple requests, her belongings were not returned. On 29.08.2022, she was allegedly threatened and driven out of her matrimonial home. Following these events, she decided to end the marriage and filed a complaint before the first respondent. The first respondent registered an FIR in Crime No.11 of 2022 for the offences punishable under Sections 498(A) and 294(b) of IPC. Subsequently, the first respondent filed a final report before the learned Additional Mahila Court, Egmore, Chennai and the same has been taken cognizance in C.C.No.44 of 2024.

3. The learned counsel for the petitioners submitted that, the petitioners are merely the in-laws of the second respondent and have been unnecessarily implicated in the present case. It is contended that there are absolutely no specific allegations as against the petitioners to attract the ingredients of the alleged offences under Sections 498(A) and 294(b) of IPC. He further submit that the entire jewellery presented during the marriage has already been returned to the second respondent.



Crl.O.P.No. 10056 of 2025

WEB COPY

That apart, it is pointed out that immediately after the marriage, the first accused and the second respondent travelled to the United States and have not resided in the matrimonial home since then. Therefore, the petitioners seeks quashing of the proceedings on the ground of abuse of process of law.

4. Per contra, the learned counsel for the second respondent would submit that there are specific allegations and overt acts attributed to the petitioners, which prima facie disclose the commission of offences under Sections 498(A) and 294(b) of IPC. It is further submitted that the first petitioner had allegedly posted morphed photographs of the second respondent. That apart, on perusal of the statement given by the second respondent reveals that the first petitioner had attempted to misbehave with the her. Therefore, the petitioners are not entitled to relief under Sections 528 of BNSS, and the proceedings ought not to be quashed at this stage.

5. Heard both sides and perused the materials placed before this



6. Upon consideration of the submissions made and on perusal of the materials placed before this Court including the statement of the second respondent, this Court is of the view that the allegations against the petitioners are not vague or general in nature, and there appears to be specific averments that require investigation and trial. The scope of interference under Section 482 of Cr.P.C/ 528 of BNSS is limited and is to be exercised sparingly and with caution. At this stage, this Court is not inclined to interfere with the proceedings initiated as against the petitioners, as the same involves disputed questions of fact, which are best left for adjudication during the course of trial.

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., (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



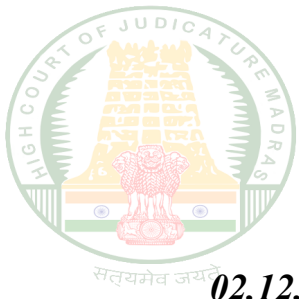
Crl.O.P.No. 10056 of 2025

WEB COPY

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.

8. 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.

9. The Hon'ble Supreme Court of India in another judgment dated



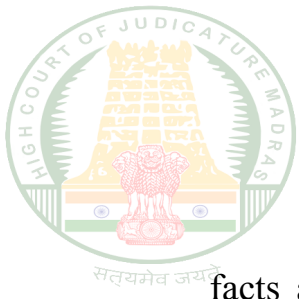
Crl.O.P.No. 10056 of 2025

WEB COPY

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, 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. In view of the above discussion, this Court is not inclined to quash the proceedings in C.C.No.44 of 2024 on the file of learned Additional Mahila Court, Egmore, Chennai. The petitioners are at liberty to raise all the grounds before the trial Court. However, considering the



Crl.O.P.No. 10056 of 2025

WEB COPY

facts and circumstances of the case, this Court is inclined to dispense with the personal appearance of the second petitioner before the Trial Court. The second petitioner shall be permitted to be represented by a counsel subject to filing an appropriate application. It is made clear that 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 passing judgment. Further, the Trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

11. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

04.04.2025

Neutral citation : Yes/No
Speaking/non-speaking order
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Crl.O.P.No. 10056 of 2025

To

1. The Additional Mahila Court, Egmore, Chennai
2. The Inspector of Police,
W4 -AWPS Kilpauk Police Station,
Chennai.
3. Public Prosecutor,
Madras High Court.



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G.K.ILANTHIRAIYAN, J.

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