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Crl.O.P.No.10681 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM:

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

Crl.O.P.No. 10681 of 2025 and
Crl.M.P.Nos.7121 and 7125 of 2025

1.Silambarasan
2.Palanisamy
3.Lakshmi
4.Mullai

.... Petitioners

Vs

1.The State of Tamilnadu rep. by
The Inspector of Police,
All Women Police Station,
Namakkal District.
Crime No.10 of 2024.

2.Silu

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records of C.C.No.466 of 2024 pending on the file of Additional Mahila Court, Namakkal for the alleged offence under Section 498(A) of IPC and Section 4 of Dowry Prohibition Act 1961, quash the same.



Crl.O.P.No.10681 of 2025

WEB COPY

For Petitioners : Mr.S.N.Subramani

For R1 : Mr.R.Vinothraja,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.466 of 2024 on the file of the Additional Mahila Court, Namakkal.

2. The case of the prosecution is that second respondent and the first petitioner were betrothed by their elders and subsequently married on 04.03.2022 at Nala Hotel, Trichy. At the time of marriage, the second respondent's father, Rajendran, allegedly gave 30 sovereigns of gold jewellery and Rs. 2 lakhs in cash as dowry to the first petitioner. After the marriage, the second respondent and the first petitioner commenced their marital life at the residence of the second petitioner, located at Ponnagar East, Silla Mudalaipatti, within the jurisdiction of the Namakkal Police Station. The second petitioner is the father of the first

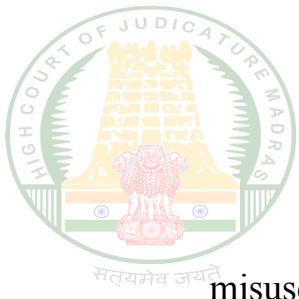


Crl.O.P.No.10681 of 2025

WEB COPY

petitioner; the third petitioner is the mother; and the fourth petitioner is the younger sister. It is alleged that the petitioners subjected the second respondent to continuous physical and mental harassment. The harassment included slanderous remarks and taunts, claiming that the dowry provided was insufficient. Based on this, a case was registered in Crime No.10 of 2024 for the offences punishable under Section 498(A) of IPC and Section 4 of Dowry Prohibition Act, 1961. After the completion of investigation, the first respondent filed a final report before the Additional Mahila Court, Namakkal and the same was taken cognizance in C.C.No.466 of 2024.

3. The learned counsel for the petitioners submitted that the FIR is a result of strained matrimonial relations and has been lodged with malicious intent. The allegations are vague and do not disclose any specific overt act by the petitioners. The complaint lacks particulars regarding dates, time, and manner of harassment, making it insufficient to sustain a charge under Section 498A of IPC. He further submitted that the dispute is civil in nature, and the criminal proceedings are being



Crl.O.P.No.10681 of 2025

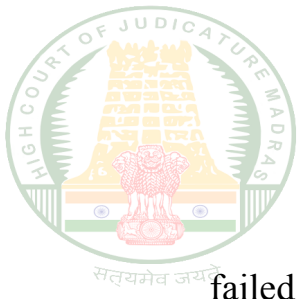
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misused as a tool of vengeance. Hence, he prays to quash the proceedings.

4. The learned Government Advocate (crl.side) opposed the petition and submitted that the FIR discloses a *prima facie* case of cruelty and dowry harassment under Section 498A of IPC. The allegations are specific, and the complainant has stated instances of physical and mental harassment by all accused. The case involves serious matrimonial offences. Hence, he prays for dismissal of this petition.

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

6. On perusal of the records, it is seen that the complaint discloses specific and plausible allegations as against all the petitioners, including repeated dowry demands, taunts and mental cruelty. At this stage, this Court cannot test the veracity or correctness of the allegations. Whether the charges are proved or not is a matter for trial. The petitioners have



Crl.O.P.No.10681 of 2025

WEB COPY

failed to show that the allegations are inherently improbable or absurd.

The inherent powers of the High Court are to be exercised sparingly.

Quashing is warranted only where the allegations do not disclose any offence or the complaint is manifestly attended with *mala fide* intention.

No such exceptional circumstance is made out here.

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. (Criminal Appeal No.579 of 2019, dated 02.04.2019)***, while dealing with a petition to quash the entire criminal proceedings, held that the High Courts have no jurisdiction to appreciate the statements of witnesses and record a finding that there were inconsistencies in their statements, and therefore, no *prima facie* case was made out against the accused. Such an exercise can be done only by the Trial Court while deciding the case on merits or by the Appellate Court while deciding the appeal arising out of the final order. The charge sheet having been laid on the basis of inconsistent statements under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is not a



Crl.O.P.No.10681 of 2025

ground for quashing at the pre-trial stage.

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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 (Criminal Appeal No.1572 of 2019, dated 17.10.2019)***, held that the High Courts cannot record findings on disputed facts. The defence of the accused is to be tested after appreciation of evidence by the Trial Court during trial. Therefore, this Court has no power to consider 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 ***Criminal Appeal No.1817 of 2019*** in the case of ***M. Jayanthi vs. K.R. Meenakshi & Anr.***, held that while considering a petition for quashing a complaint or charge sheet, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should examine is whether the allegations in the complaint form the basis of the ingredients constituting the offences complained of.



Crl.O.P.No.10681 of 2025

WEB COPY

Further, the Court can also examine whether the preconditions required for taking cognizance have been complied with, and whether the allegations contained in the complaint, even if accepted in their entirety, would constitute the offence alleged. Whether the accused will be able to disprove the allegations is a matter to be determined during trial.

10. In view of the above discussion, this Court is not inclined to quash the proceedings in C.C.No.466 of 2024 on the file of the Additional Mahila Court, Namakkal. The petitioners are at liberty to raise all the grounds before The trial Court. The personal appearance of the petitioners 2 to 4 are dispensed with and they shall be represented by a counsel after filing appropriate application. However, the petitioners 2 to 4 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. The Trial Court is directed to complete the trial within a period of six months from the date of receipt of copy of this Order.



Crl.O.P.No.10681 of 2025

WEB COPY

11. Accordingly, the Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petitions are closed.

09.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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Crl.O.P.No.10681 of 2025

WEB COPY

To

- 1.The Additional Mahila Court, Namakkal
- 2.The Inspector of Police,
All Women Police Station,
Namakkal District.
3. The Public Prosecutor, High Court, Madras.



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Crl.O.P.No.10681 of 2025

G.K.ILANTHIRAIYAN, J.

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09.04.2025