



Crl.O.P.No.10705 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2025

CORAM:

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

Crl.O.P.No.10705 of 2025
and Crl.M.P.No.7146 of 2025

S.R.Raghuram Narayanan

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by The Inspector of Police,
W-5 All Women Police Station,
Selaiyur, Chennai.

2. Vijayalakshmi

... Respondents

Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for records of the impugned FIR lodged as against the petitioners herein in Crime No.17 of 2023, on the file of the first respondent police and quash the same.

For Petitioner : Mr.M.Shreedhar

For Respondents

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

For R2 : Mr.M.Vasantha Kumar



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.17 of 2023, pending on the file of the first respondent police, registered for the offence under Sections 406, 323 of IPC and Section 4 of the Dowry Prohibition Act.

2. On the complaint lodged by the second respondent, the first respondent registered the FIR in Crime No.17 of 2023, on the allegations that second respondent is the wife of the petitioner and their marriage was love cum inter-caste marriage. After their marriage, the second respondent left to USA for her job and the petitioner along with his parents had demanded dowry and also misappropriated the marriage seethana jewels. It is also alleged that the petitioner picked up quarrel and hit the second respondent and caused simple injury. Further the petitioner forced the second respondent to work in spite of her illness and working in USA had caused mental torture. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner and the second respondent got married on 28.11.2018 and it was a love marriage. After their marriage, they gave birth to two



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children and due to misunderstanding, the second respondent left the

matrimonial home. Therefore, the petitioner issued legal notice.

Immediately after receipt of the same, the second respondent lodged the present complaint. The first respondent, without even conducting any enquiry registered the FIR under the Dowry Prohibition Act. The Dowry Prohibition Act has preliminary enquiry before registration of FIR. In support of his contention, he relied upon the judgment of the Hon'ble Supreme Court of India made in ***SLP(Cri) No.16239 of 2024*** dated 10.12.2024 in the case of ***Dara Lakshmi Narayana & ors Vs. State of Telangana.***

4. The learned counsel appearing for the second respondent submitted that the petitioner had demanded a sum of Rs.25,00,000/- as dowry and also received the same. Further, the second respondent's huge sovereigns of jewels were also under the custody of the petitioner. When the second respondent entered into her matrimonial house, she was driven out from the house and as such she sustained injury. Immediately she was taken to hospital for treatment. Now the petitioner is living with another woman. Even before their marriage, he lived with another woman. He also produced photographs before this Court.



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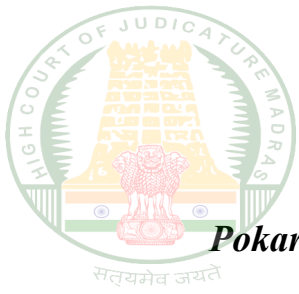
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5. The learned Government Advocate (Crl. Side) appearing for the first respondent police would submit that the investigation is almost completed and the respondent police is yet to file the final report.

6. Heard the learned Counsel appearing on either side and perused the materials placed on record.

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 FIR is not an encyclopedia and it need not contain all facts and it cannot be quashed in the threshold. This Court finds that the FIR 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 Code.

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***



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Pokarnekar vs. The State of Maharashtra & ors., (Crl.A.No.255 of

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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 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



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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 :-

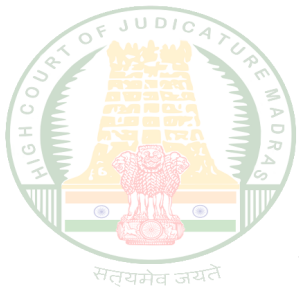
“23.

vi) *Criminal proceedings ought not to be scuttled at the initial stage;*

vii) *Quashing of a complaint/FIR should be an 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*



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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. However, considering the crime is of the year 2023, the first respondent is directed to complete the investigation in Crime No.17 of 2023 and file a final report within a period of eight weeks from the date of receipt of copy of this Order, before the jurisdiction Magistrate, if not already filed.



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WEB COPY 11. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

21.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

1. The Inspector of Police,
W-5 All Women Police Station,
Selaiyur, Chennai.

2. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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