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Crl.O.P.No.14050 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.06.2025

Coram:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

Crl.O.P.No.14050 of 2025 &
Crl.M.P.No.9468 of 2025

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S.Karthik

.. Petitioner

Vs.

1.State Rep. by Inspector of Police,
All Women Police Station,
Katpadi, Vellore District.
(Crime No.09 of 2023)

2.G.Nandhini

.. Respondents

Criminal Original Petition filed under Section 528 of BNSS, to call for the records in C.C.No.83 of 2024, on the file of the learned Judicial Magistrate, Katpadi, Vellore District to quash the same.

For petitioner : Mr.G.Vinodhkumar

For respondents: Mr.S.Vinoth Kumar

Government Advocate (Criminal Side) for R1



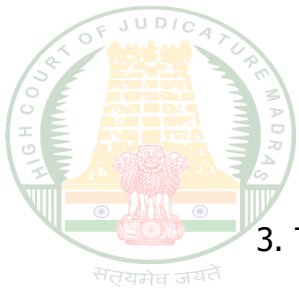
CrI.O.P.No.14050 of 2025

WEB COPY

ORDER

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure seeking to quash the proceedings in C.C.No.83 of 2024 on the file of the learned Judicial Magistrate, Katpadi, Vellore District, arising out of Crime No.09 of 2023 registered for the offences under Section 498-A IPC and Section 4 of the Dowry Prohibition Act, 1961.

2. The case of the petitioner is that he is innocent and has been falsely implicated in the case. It is submitted that the marriage between the petitioner and the second respondent/defacto complainant was solemnised on 01.06.2020 as a love marriage. The prosecution alleges that, at the time of marriage, the petitioner's family demanded 50 sovereigns of gold and cash for marriage expenses. The defacto complainant's father allegedly provided 44 sovereigns of gold, silver articles worth Rs.2,00,000/-, and Rs.4,00,000/- in cash. It is further alleged that during Deepavali, an additional demand of Rs.25,000/- was made as "seethana". According to the charge, within three months of marriage, the petitioner and his family members demanded further dowry, abused the complainant in filthy language, and subjected her to body shaming. A male child was born on 06.02.2022, but the demands allegedly continued thereafter, including for purchase of land.

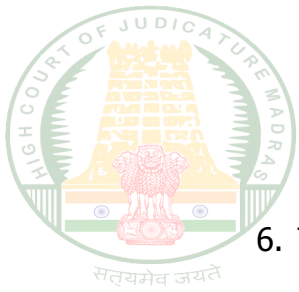


Crl.O.P.No.14050 of 2025

3. The petitioner submits that the present prosecution is motivated by malice and has been initiated only to harass him. It is further submitted that for the same set of allegations, a complaint was earlier lodged by the second respondent before the Habbagodi Police Station in Bangalore, Karnataka, which resulted in registration of Crime No.41 of 2023 for the offences under Sections 323, 354, 498-A, 504, and 506 IPC read with Sections 3 and 4 of the Dowry Prohibition Act. The said case has culminated in a charge sheet and is now pending as C.C.No.19881 of 2023 on the file of the Additional Civil Judge and JMFC, Anekal, Karnataka.

4. It is contended that the second complaint registered at Katpadi amounts to abuse of process of law, as it arises from the same cause of action. It is urged that the continuation of proceedings at Katpadi would amount to double jeopardy and would result in great miscarriage of justice. Hence, the petitioner seeks quashment of the proceedings in C.C. No. 83 of 2024.

5. The learned counsel appearing for the petitioner reiterated the above submissions and submitted that the filing of two complaints with substantially identical allegations one in Bangalore and another in Katpadi demonstrates that the second respondent is acting with vengeance and the continuation of prosecution at Katpadi is wholly unwarranted.



6. The learned Government Advocate (Criminal Side) appearing for the first respondent submitted that there are specific and detailed allegations made against the petitioner, not only by the defacto complainant but also by her family members. The investigation has been conducted in accordance with law and statements have been recorded from material witnesses. It was submitted that there are prima facie materials to proceed with the trial and that the grounds raised by the petitioner are all matters of defence, which cannot be gone into at the stage of quashing.

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

8. A perusal of the records reveals that eight witnesses have been cited by the prosecution, including the defacto complainant, her family members, the investigating officer, and other official witnesses. The FIR and the statements recorded under Section 161 Cr.P.C. disclose allegations of dowry demand and harassment after the marriage, including specific instances wherein additional amounts were allegedly demanded. It is further alleged that, due to the harassment, the defacto complainant purchased an apartment by obtaining a loan. However, the petitioner insisted that her father repay the said loan. When this demand was not met, the petitioner allegedly planned to marry another woman and subsequently abandoned the defacto complainant and their daughter.



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9. A reading of the FIR and witness statements indicates the existence of prima facie material to proceed against the petitioner. While certain incidents of dowry demand were alleged when the defacto complainant was residing and employed in Bangalore leading to the registration of a case in that jurisdiction subsequent allegations, including the demand for repayment of the apartment loan and other forms of harassment, occurred in Tamil Nadu. This justifies the registration of the present case within this State. The mere pendency of an earlier complaint in Bangalore does not render the subsequent complaint before the Katpadi Police Station unwarranted or barred. The allegations in the present complaint pertain to distinct episodes of cruelty and harassment. Hence, the petitioner is not entitled to seek quashment of the present proceedings solely on the basis of the prior case. The grounds raised by the petitioner are in the nature of defence and can be appropriately raised and adjudicated during trial. Therefore, this Court is not inclined to quash the proceedings at this stage.

10. It is well settled that the inherent power of this Court under Section 482 Cr.P.C. is to be exercised sparingly and only in cases where there is a manifest abuse of process or where the complaint is devoid of any legal foundation. The allegations in the present case prima facie disclose the commission of cognizable offences. The defences raised by the petitioner can be appropriately agitated before the trial Court.



Crl.O.P.No.14050 of 2025

WEB COPY

11. Accordingly, this Court is not inclined to quash the proceedings in C.C.No.83 of 2024. However, it is made clear that the observations made herein are only for the purpose of deciding this petition under Section 528 of BNSS and shall not influence the trial Court in any manner during the trial.

12. In the result, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

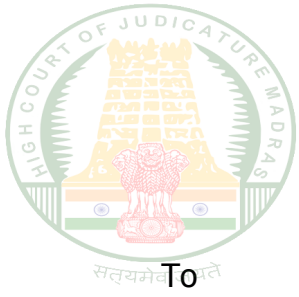
03.06.2025

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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No



Crl.O.P.No.14050 of 2025

To

WEB COPY

1. The Inspector of Police, All Women Police Station, Katpadi, Vellore District.
(Crime No.09 of 2023)
- 2.The Judicial Magistrate, Katpadi, Vellore District.
- 3.The Public Prosecutor, Madras High Court, Chennai.



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Crl.O.P.No.14050 of 2025

P.VELMURUGAN, J

r n s

Crl.O.P.No.14050 of 2025 &
Crl.M.P.No.9468 of 2025

03.06.2025