

WEB COPY



Crl.OP.No.23564 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P. No.23564 of 2014
and M.P.Nos. 1 and 2 of 2014

Kalpana

... Petitioner

Vs.

1.State rep.by
The Inspector of Police,
All Women Police Station,
Villupuram,
(Crime No.30/2013)

2.Arunadevi

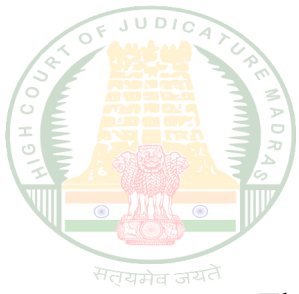
... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to C.C.No.531 of 2014 on the file of the Judicial Magistrate Court No.1, Villupuram and quash the same in so far as it relates to the petitioner is concerned.

For Petitioner : Mr.S.Sriram
for Mr.K.Goviganesan

For Respondents : Mr.K.M.D.Muhilan for R1
Additional Public Prosecutor
No appearance for R2

ORDER



WEB COPY

This Criminal Original Petition has been filed to call for the records relating to C.C.No.531 of 2014 on the file of the Judicial Magistrate Court No.1, Villupuram and quash the same in so far as it relates to the petitioner is concerned.

2.The final report has been filed against the present petitioner for the offence under Sections 498-A, 506(I) of IPC and Section 4 of Dowry Prohibition Act. The petitioner is arrayed as 4th accused in C.C.No.531 of 2014 on the file of the Judicial Magistrate Court No.1, Villupuram and she is the sister-in-law of the defacto complainant.

3. The marriage between the defacto complainant and the 1st accused was solemnized on 06.02.2012 at Cuddalore and it is the case of the defeacto complainant that the marriage was performed by her father by spending a sum of Rs.2,50,000/- and 40 sovereign of gold jewellery and Rs.1,50,000/- cash in lieu of seethana. After a week of marriage, the 1st accused/husband went to the United States of America for avocation. Thereafter, after obtaining Visa, the defacto complainant also accompanied her husband/A1 on 14.04.2012. Subsequently, after a month, both of them returned back to India and husband/A1 left the defacto complainant in her house. However, the husband/A1 filed a divorce petition within a period of



6 months of marriage as against the defacto complainant. When the same was questioned, husband/A1 and his family members threatened the defacto complainant in filthy language and demanded a sum of Rs.5,00,000/- as Dowry. Hence, a case was registered against the petitioner and the same is abuse of process of law. As against A2 and A3, who are the parents of A1, this Court had already quashed the proceedings in C.C.No.531 of 2014 as early as on 06.09.2021 in Crl.O.P.No.9979 of 2018.

4. Heard the learned counsel on either side and perused the materials available on record.

5. On perusal of the entire allegations on the petitioner/A4, it is seen that except general allegations that she has abused the defacto complainant, there is no other allegations whatsoever has been made. Admittedly, there is a matrimonial dispute between the defacto complainant and husband/A1. The matrimonial tie has broken within a short period of marriage which resulted in filing of divorce petition by A1/husband in H.M.O.P.No.45 of 2013 before the learned Principal Subordinate Judge, Cuddalore and the same was allowed on 24.06.2014. The said facts are not in dispute. After receipt of notice in the said case, when the defacto complainant went to her matrimonial home, the petitioner/A4 and her in-laws/A2 and A3 demanded dowry to the tune of Rs.5,00,000/- and abused the defacto complainant in a



filthy language. The said act of the petitioner does not constitute any offence as against the defacto complainant. Therefore, pendency of the case in C.C.No.531 of 2014 would not serve any purpose as far as the petitioner, since no offence has been made out as against the petitioner as alleged by the defacto complainant.

6. In this regard, it is relevant to extract the judgement reported in **(1992) SCC Crl. 426** in the case of **Bajanlal v. State of Haryana**, wherein the Hon'ble Supreme Court of India has listed out the following category of case in which the criminal proceedings can be quashed using the inherent jurisdiction of the High Court under Section 482 Cr.P.C.:

"102.....

(1) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

(2) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate



WEB COPY



CrI.OP.No.23564 of 2014

within the purview of Section 155(2) of the Code;

(3) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(4) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(5) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(6) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the



WEB COPY



CrI.OP.No.23564 of 2014

concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(7) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

Therefore, this Court is of the view that the proceedings in C.C.No.531 of 2014 is nothing but clear abuse of process of law and it cannot be sustained in the eye of law as against the petitioner. Hence, the proceedings in C.C.No.531 of 2014 on the file of the Judicial Magistrate Court No.1, Villupuram is quashed.

7. With the above observation, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

12.08.2025

msv

To,

1. The Inspector of Police,

Page 6 of 8



CrI.OP.No.23564 of 2014

All Women Police Station,
Villupuram,

2. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.OP.No.23564 of 2014

N. SATHISH KUMAR, J.

msv

Crl.O.P. No.23564 of 2014
and M.P.Nos.1 and 2 of 2014

12.08.2025