



Crl.O.P.No.18898 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.18898 of 2025
and
Crl.M.P.No.12714 of 2025

1. G.Pavadaiswami

2. P.Selvi

... Petitioners

Vs

1. The State represented by,
The Inspector of Police,
Law and Order Branch,
W28, AWPS Police Station,
Ambattur, Redhills.

2. T.Susmitha

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS 2023, to call for the records in the F.I.R registered in Crime No.21 of 2025 dated 27.3.2025 against the petitioners pending on the file of the first respondent and to quash the same.

For Petitioners : Dr.A.Thiyagarajan, Senior Counsel
For Mr.S.Ramesh Kumar

For R1 : Dr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to call for the records of F.I.R registered in Crime No.21 of 2025 dated 27.3.2025 against the petitioners pending on the file of the first respondent-Police and to quash the same.

2. Heard the learned Senior Counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent-Police and perused the materials available on record.

3. Learned Senior Counsel appearing for the petitioners submitted that the petitioners are parents-in-law of the second respondent/*de-facto* complainant. The family dispute between the spouses, who are the petitioners' son and the second respondent had already been amicably settled before the Police. The petitioners have not demanded any dowry as alleged by the second respondent. Neither the petitioners, nor their son, had committed any sort of cruelty as alleged by the second respondent. The petitioners' son filed HMOP.No.404 of



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2024 on the file of the Sub Court, Ambattur, seeking divorce, in which, the second respondent has also appeared through a counsel and filed a counter statement, wherein no such allegation of dowry harassment against the petitioners are available. Further, the second respondent/*de-facto* complainant had received all her belongings. Subsequently, she filed the present complaint as against the petitioners and F.I.R has also been registered by the respondent-Police. No *prima facie* allegations are made out as against the petitioners. In order to harass the petitioners, the second respondent has lodged a false complaint as against them. Hence prayed for quashing of F.I.R.

4. It is submitted by the learned Government Advocate (Crl.Side) appearing for the first respondent-Police that, based on the complaint given by the de-facto complainant, the first respondent-Police registered a case.

5. It is settled proposition of law that if any complaint is received regarding the family dispute, the Police has to conduct a



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preliminary enquiry and find out as to whether *prima facie* materials are available as against the accused to register a case. Otherwise, the Police has to advise the parties to work out their remedy in the manner known to law.

6. In this case, already, the said matrimonial OP is pending. The de-facto-complainant/second respondent had also appeared through a counsel and filed counter statement, wherein no allegation is made out either for dowry demand or for harassment as against the petitioners. The second respondent had also received all her belongings before the first respondent-Police.

7. In view of the above facts and circumstances of the case and also considering the submissions made by the learned counsel on either side, this Court finds that, in order to get over the matrimonial proceedings, the second respondent has given criminal colour to the family dispute, which is nothing but abuse of process of law. Hence, this Court is inclined to quash the F.I.R registered as against the petitioners in Crime No.21 of 2025.



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8. Accordingly, F.I.R registered in Crime No.21 of 2025 dated 27.3.2025 against the petitioners pending on the file of the first respondent-Police is hereby quashed. In view of the same, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

08.07.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Inspector of Police,
Law and Order Branch,
W28, AWPS Police Station,
Ambattur, Redhills.
2. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J

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