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Crl.O.P.No.17996 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.17996 of 2025

1. S.Santhosh
2. S.Suresh
3. S.Tamilselvi

...Petitioners

Vs.

1. State by the Inspector of Police,
All Women Police Station,
Erode.

2. Yuthe

...Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS to call for the records in C.C.No.286 of 2025 on the file of the Additional Mahila Court, Erode, and quash the charge sheet against the petitioners/Accused No.1, 3 and 4.

For Petitioner : Mr.Avinash Wadhwani

For Respondents : Dr.C.E.Pratap,
Govt. Advocate (Crl.Side) for R1
Mr.V.Subramanian for R2



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.286 of 2025 on the file of the Additional Mahila Court, Erode.

2 According to learned Counsel for the petitioners/accused, the first petitioner is husband and second and third petitioners are in-laws of the second respondent/defacto complainant. The second respondent/defacto complainant, earlier, made complaint against the petitioners and his family members, based on which, a case in Cr.No.11 of 2023 was registered, which is now pending. But, for the same set of allegations, again the defacto complainant made the present complaint in Cr.No.31 of 2024, which culminated in C.C.No.286 of 2025. Therefore for the same allegations, the petitioners need not face two criminal cases and hence the present case in C.C.No.286 of 2025 is liable to be quashed.

3 Per contra, learned counsel for the second respondent/defacto complainant would submit that both the complaints are entirely for different transactions. The Cr.No.11 of 2023 is for criminal



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conspiracy and cheating with regard to shares of the defacto complainant, whereas, the present complaint in Cr.No.31 of 2024 is only for dowry harassment for the offence under Sections 85, 86, 82(1) and 3(5) of BNS, 2023. After investigation charge sheet was laid and the same was taken on file in C.C.No.286 of 2025. Therefore there is no reason to quash the present case and this petition is liable to be dismissed.

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

5 Admittedly the first petitioner and the second respondent/defacto complainant are the husband and wife. The wife has filed the complaint against her husband and in-laws for the offence of cheating and fabrication of documents, which was registered in Cr.No.11 of 2023. The defacto complainant/wife again lodged a complaint for the allegations of dowry harassment against her husband and in-laws, which was registered in Cr.No.31 of 2024. A careful reading of both the



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complaints, reveal that the allegations made in both the complaints are different and hence this Court is not inclined to quash the case in C.C.No.286 of 2025.

6 Accordingly, this Criminal Original Petition stands dismissed. However the petitioners are at liberty to raise all their defence before the trial Court.

01.07.2025

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Speaking /Non-speaking order

To

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



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P.VELMURUGAN, J.

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