



Crl.O.P.No. 17958 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2025

CORAM:

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

Crl.O.P.No.17958 of 2023 and
Crl.M.P.No.11860 of 2023

1.Dharani
2.Selvaraj
3.Kamatchi
4.Dhivya
5.Sangeetha

... Petitioners

Vs.

1.The Inspector of Police,
All Women Police Station,
Gingee, Villupuram.

2.Rajakumari

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to call for the records in C.C.No.167 of 2020 on the file of the Judicial Magistrate, Gingee and quash of the same.

For Petitioners : Mr.K.Rajavarman

For R1 : Mr.R.Vinothraja,
Government Advocate (crl.side)



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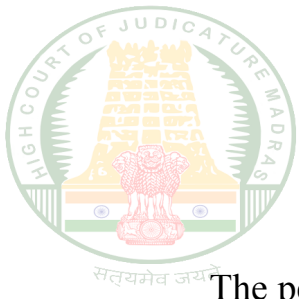
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For R2 : No appearance

ORDER

This petition has been filed to quash the proceedings in C.C. No. 167 of 2020 on the file of the Judicial Magistrate, Gingee.

2. The case of the prosecution is that, on the complaint lodged by the second respondent, the first respondent registered an FIR in Crime No. 4 of 2018 for the offences punishable under Sections 294(b), 352, 498A, 494, 506(2), 109 of the Indian Penal Code, 1860, Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, and Section 4 of the Dowry Prohibition Act, 1961. The allegations in the complaint are that the second respondent married the first petitioner on 05.02.2018. During the marriage, the second respondent's family presented 15 sovereigns of gold and Rs. 80,000/- worth of household articles. However, on 09.05.2018, the family members of the first petitioner allegedly demanded a huge dowry, and the second respondent was driven out of the matrimonial home. On 18.01.2019, the second respondent, accompanied by elders, visited the petitioner's house for reconciliation.



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The petitioners allegedly threatened her with dire consequences and even attempted to pour kerosene on the second respondent and her family members with the intention to set them on fire. However, the second respondent managed to escape. The first petitioner allegedly married the fifth accused, who is the maternal uncle's daughter of the petitioner. After completion of the enquiry, the first respondent filed the final report, and the same was taken cognizance of in C.C. No. 167 of 2020 before the Judicial Magistrate, Gingee, where the matter is currently pending trial.

3. The learned counsel for the petitioners submits that prior to the marriage, the first petitioner had met with an accident and sustained a fracture to his leg. As a result, the first petitioner wished to postpone or cancel the marriage. However, due to compulsion, the marriage took place on 05.02.2018. After the marriage, on 09.05.2018, the second respondent left the matrimonial home. Despite numerous counselling sessions and negotiations, the second respondent refused to return to the matrimonial home. The petitioners deny the allegations of dowry demands and attempts to set the second respondent on fire. The learned



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counsel further states that the second respondent has since remarried and has given birth to a child.

4. Notice was duly served on the second respondent, however, no appearance was made either in person or via video conferencing.

5. The learned Government Advocate (Crl.side) submits that the FIR in Crime No. 4 of 2018 contains serious allegations against the petitioners, including dowry demands and cruelty under Section 498A IPC. These allegations are supported by the investigation, and the matter is presently pending trial. The failure of the second respondent to appear does not invalidate the case. Quashing the proceedings at this stage would be premature, as the trial court must assess the evidence. The Government Advocate (crl.side) prays that the petition may be dismissed, and the case proceed to trial.

6. Heard both sides and perused the materials placed before this Court.



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7. On perusal of the records, it is evident that the statements made by the second respondent and the other witnesses are stereotyped, vague, and bald in nature. There is no concrete evidence to substantiate the claim that the first petitioner married the fifth petitioner. Moreover, the second respondent, or any other witness, has failed to specify the date or place of marriage between the first petitioner and the fifth petitioner. That apart, the second respondent's disability was allegedly not disclosed before the marriage, and the first petitioner claims that he came to know about her physical condition only after the marriage. The second respondent has since remarried and has given birth to a child. Despite the pendency of the trial since 2020, the second respondent has not appeared before the Trial Court for evidence, even after the receipt of summons.

8. In light of the foregoing, this Court is of the considered view that if the trial were to proceed further, it would serve no useful purpose in the interests of justice. Therefore, this Court is inclined to quash the proceedings in C.C. No. 167 of 2020 on the file of the Judicial



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Magistrate, Gingee as against the petitioners. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

26.03.2025

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

1. The Judicial Magistrate, Gingee
2. The Inspector of Police,
All Women Police Station,
Gingee, Villupuram.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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