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Crl.O.P.No.22776 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2025

CORAM:

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

Crl.O.P.No.22776 of 2024
and Crl.M.P.No.12935 of 2024

1. D.Sudhakar
2. V.Dhayalan
3. Mary
4. D.Prabhakar

... Petitioners

Vs.

1. The State Rep. by
The Inspector of Police,
All Women Police Station,
Gudiyattam – 632 602.

2. R.S.Vasanth Kumari

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records of the proceedings and charge sheet in C.C.No.237 of 2019 on the file of the Judicial Magistrate Court, Gudiyattam for the alleged offences under Sections 498-A, 506(i) of the Indian Penal Code, which arose from Crime No.14 of 2014 on the file of the second respondent/All Women Police Station (AWPS), Gudiyattam and quash the same.

For Petitioners : Mr.R.Venkatesulu

For Respondents

For R1 : Mr.R.Vinothraja

Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in C.C.No.237 of 2019 pending on the file of the learned Judicial Magistrate Court, Gudiyattam, thereby taken cognizance for the offences punishable under Sections 498(A) & 506(i) of IPC.

2. On the complaint lodged by the second respondent, the first respondent registered the FIR in Crime No.14 of 2014 on 02.04.2014 on various allegations. After completion of investigation, the first respondent filed final report on 25.10.2019. Thereafter, the trial Court has taken cognizance on 29.10.2019.

3. The learned counsel appearing for the petitioners submitted that the petitioners are facing charges for the offences punishable under Sections 498-A & 506(i) of IPC. Both the offences have maximum punishment of three years and two years, respectively. Therefore, the first respondent ought to have filed final report and the trial Court should have taken cognizance within a period of three years. Beyond the limitation period, the trial Court cannot taken cognizance, since it is barred by limitation under Section 468 of Cr.P.C. That apart, already the second



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respondent agreed to withdraw her complaint registered in Crime No.14 of 2014 and filed divorce petition in I.D.O.P.No.36 of 2015, on the file of the learned Principal District Judge, Vellore and the same was allowed by an order dated 04.04.2016.

4. Heard the learned Counsel appearing on either side and perused the materials placed on record.

5. On perusal of the order passed in the divorce petition, it is revealed that the second respondent had received all the jewels and seethana articles, which were presented during their marriage and she undertook to withdraw the FIR registered in Crime No.14 of 2014. Further, it is relevant to extract the offence under Section 498(A) of IPC as follows:-

*498A. Husband or relative of husband of a woman
subjecting her to cruelty*

*Whoever, being the husband or the relative of the
husband of a woman, subjects such woman to cruelty shall
be punished with imprisonment for a term which may extend
to three years and shall also be liable to fine.*

*Explanation —For the purpose of this section,
"cruelty" means—*



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(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

Punishment—Imprisonment for 3 years and fine—Cognizable if information relating to the commission of the offence is given to an officer in charge of a police station by the person aggrieved by the offence or by any person related to her by blood, marriage or adoption or if there is no such relative, by any public servant belonging to such class or category as may be notified by the State Government in this behalf—Non-bailable—Triable by Magistrate of the first class—Noncompoundable.

The maximum punishment for the offence punishable under Section 498A of IPC is three years and for the offence under Section 506(i) of IPC, it is two years. As per Section 468 of Cr.P.C., the final report has to be filed and cognizance should have been taken by the trial Court within a period of three years from the date of registration of FIR.

6. In the case on hand, the FIR has been registered in the year 2014 and the first respondent after completion of investigation filed final



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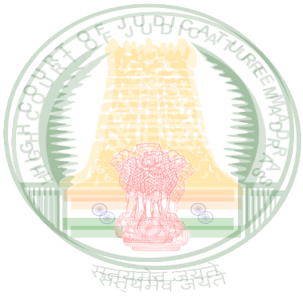
report only in the year 2019 viz., after the period of three years from the date of registration of the FIR. Therefore, the trial Court ought not have taken cognizance in the final final report filed by the first respondent in Crime No.14 of 2019 .

7. That apart, already the matter has been settled between the first petitioner and the second respondent and they were granted divorce in the divorce petition filed by the second respondent in I.D.O.P.No.36 of 2015 by an order dated 04.04.2016. Therefore, the entire proceedings are vitiated and cannot be sustained as against the petitioners.

8. In view of the above discussions, the proceedings in C.C.No.237 of 2019, on the file of the learned Judicial Magistrate Court, Gudiyattam, is hereby quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

25.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
rts



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G.K.ILANTHIRAIYAN, J.

rts

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To

1. The Judicial Magistrate Court,
Gudiyattam.

2. The Inspector of Police,
All Women Police Station,
Gudiyattam – 632 602.

3. The Public Prosecutor,
Madras High Court,
Chennai.

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