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CRL OP No. 23655 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23655 of 2025

1. K.Nagenthiran

S/o.Kumaravel, No.192A, Cholan
Kovil Street, Kuruvampatti,
Cholanganallur Post, Mannachanallur
Taluk, Tiruchirappalli District.

2. K.Sithiran

S/o.Kanthasamy, Ambalakarar Street,
Kottathur Post, Thuraiyur Taluk,
Tiruchirappalli District.

3. N.Palaniyandi

S/o.Nayanar, Cholan Kovil Street,
Kuruvampatti North, Cholanganallur
Post, Mannachanallur Taluk,
Tiruchirappalli District.

Petitioner(s)

Vs

1. The State represented by
Deputy Superintendent of Police,
Padalur Police Station, Perambalur
District. Crime No.166 of 2024



2.Selvaraj

S/o.Subbaiya, No.5/166, Vellalar Street,
Adaikkampatti PO, Alathur TK,
Perambalur Dt - 621118.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to call for the records in SC.No.50/2025 pending on the file of the Session Judge, Mahila Court, Perambalur and to quash the Charge sheet No.FR.2/2025 filed by the first respondent police under Section 306 IPC and thus render justice.

For Petitioner(s): Mr.V.Arunagiri,
for Ms.K.Pushkala

For Respondent(s): Mr.R.Vinodh Raja,
Government Advocate [Crl.Side] – R1

ORDER

Challenging the Final Report filed and taken on file in S.C.No.50 of 2025 on the Sessions Judge, Mahila Court, Perambalur for offence under section 306 of IPC sought to be quashed in the present Criminal Original Petition.

2. Despite notice served to the second respondent, none appeared on his behalf.



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3. The crux of the allegations in the final report against the petitioners is that the deceased and A1 were married on 21.04.2024 at Trichy. At the time of marriage 5 sovereigns of jewels and house hold articles were given to the tune of Rs.four lakhs. After marriage, as the accused did not go to any job, there arose small dispute between the husband and wife and the third accused demanded Rs.3,25,000/- from the first accused since he had spent the amount for his marriage. Thereafter, as A1 and his wife decided to go to separate residence, A3 demanded the amount and also told A1 and his wife that without paying the amount, how can they set up separate residence. When the matter stood thus, on 14.06.2024, A1 and his wife came to the defacto complainant's house. On the next day on 15.06.2024, A1 went to his house. Thereafter, on the way to the defacto complainant's house, the deceased made a video call to A1 and committed suicide. Hence, charge against the accused that since the accused had intimidated, she had committed suicide.



4. The learned counsel appearing for the petitioners would submit that there is no materials available on record to constitute the offence under section 306 of IPC. Hence, seeks to quash the final report.

5. It is to be noted that while exercising the power under Section 482 of Cr.P.C, the Court should be slow, at the same time, if the Court finds that from the entire materials collected by the prosecution taken as a whole, would not constitute any offence, in such situation, directing the parties to undergo ordeal of trial will be a futile exercise and it will infringe the right of the persons and in this regard, the Apex Court in **State of Haryana and others Vs. Bhajan Lal and Others** reported in **1992 Supp (1) Supreme Court Cases 335**, has been held as follows :

'.....

(a) 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;



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

(c) 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;

(d) 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;

(e) 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;

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

(g) 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.'

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6. Considering the above judgment, when the entire materials perused, except the statement of the defacto complainant and the family members to the effect that A3 had demanded money back from A1, which lead to an altercation, no other allegation, whatsoever is available with regard to the alleged abetment or incitement to drive a person to take the extreme step. A sum of Rs.3,50,000/- has been spent by the third petitioner for the marriage of the first accused and the deceased. The alleged occurrence took place on 14.06.2024 and thereafter, the husband and wife went to the defacto complainant's house. At that time, there was no indifference whatsoever noticed by the parents. Only on the next day on 15.06.2024, while A1 was returning from his house, wife has made a video call and committed suicide. There are no materials or statement indicating incitement or abetment on the part of any of the accused. The enquiry conducted by the Revenue Divisional Officer clearly reveals the fact that there is no dowry demand or cruelty in connection with dowry. Such being the position, continuing the sessions case and directing the parties to go through the



ordeal of trial is nothing but clear abuse of process of law. Hence, the final report is liable to be quashed.

7. Accordingly, this Criminal Original Petition is allowed and the final report filed in S.C.No.50 of 2025 on the file of the Sessions Judge, Mahila Court, Parambalur stands quashed. Consequently, connected miscellaneous petitions are closed.

06-10-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

1. The Sessions Judge,
Mahila Court, Parambalur.
2. Deputy Superintendent of Police,
Padalur Police Station, Parambalur
District. Crime No.166 of 2024
3. The Public Prosecutor,
High Court, Madras.



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