

Crl.O.P.(MD) No.1316 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.03.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. OP(MD). No.1316 of 2025

and

Crl.M.P(MD) No.889 of 2025

Faiza Afreen

... Petitioner

Vs.

1.The Inspector of Police

All Women Police Station, Cantonment

Trichy City, Trichy District

2. Rumania

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for the records and quash the proceedings as far as against the petitioner concerned/A4 in Crime No.26 of 2023 dated 04.11.2023 pending on the file of the first respondent police.

For Petitioner : Mr.C.S.Saravanan
for Mr. P.Arun Jayatram

For Respondents : Mr.M.Sakthi Kumar
No.1 Government Advocate (Crl. Side)
No.2 : Mr.V.Angusamy



Crl.O.P.(MD) No.1316 of 2025

ORDER

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2. The learned counsel appearing for the petitioner would submit that the first respondent police registered a false case against the petitioner and others. The case of the prosecution is that A1 who was working as a Civil Engineer in New Zealand got married with the defacto complainant on 12.07.2021. The petitioner along with other accused demanded dowry of 65 sovereigns of gold jewels and car and after marriage the other accused have caused dowry harassment and the first accused assaulted the defacto complainant, thereafter the defacto complainant lodged complaint and this petitioner was arrayed as A4 in this case. The allegation against the petitioner are only vague allegations. Infact this petitioner was not present on the alleged date of occurrence and the petitioner not at all attended the marriage. The petitioner met the defacto complainant when she had gone with the parents to see the defacto complainant for the first time in Trichy at the house of the defacto complaint. Thereafter she never met the defacto complainant and not even attended the engagement function and the petitioner was at New Zealand. Due to Covid-19 pandemic she did not attend engagement as well as marriage



function. Therefore the petitioner is no way connected with the alleged occurrence, but however the first respondent without any enquiry registered the case. Therefore the pending First Information Report is liable to be quashed.

3. The learned Government Advocate (Crl.Side) appearing for the first respondent would submit that based on the complaint given by the second respondent the first respondent registered a case in Crime No. 26 of 2023 for the offences under Sections 498(A), 406 and 506(i) of IPC and now the investigation is pending and at this stage the petition is liable to be dismissed.

4. The learned counsel appearing for the second respondent would submit that A1 to A3 harassed the defacto complainant at the instigation of the petitioner and after marriage they demanded dowry, thereby the allegations are serious in nature and the matter has to be investigated elaborately, therefore the petition is liable to be dismissed.

5. Heard both sides and perused the materials available on record.

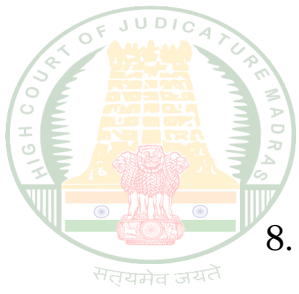
6. According to the petitioner she is sister of the husband of the second respondent and she only went to the house of the defacto complainant for



Crl.O.P.(MD) No.1316 of 2025

seeing the bride before marriage. Thereafter she did not attend engagement function as well as marriage, due to Covid-19. Further she had small child and resident of New Zealand. The alleged occurrence took place in India and she was not in India during the alleged date of occurrence.

7. This Court perused the entire First Information Report and on perusal of the First Information Report there is no specific allegations as against this petitioner and there are only general and bald allegations .Since the petitioner was in New Zealand on the date of alleged occurrence and no any materials as against this petitioner and in the First Information Report, no offence is made out as against this petitioner. Even as per the First Information Report all the allegations are as against the other accused and no any specific allegations as against this petitioner. On seeing the First Information Report no any materials to constitute the offence as against the petitioner. The first respondent also has not completed investigation for the past two years. Though the First Information Report was registered in the year 2023, the respondent police have have not completed the investigation and filed final report. Therefore as discussed supra this Court is of the opinion that the pending First Information Report is abuse of process of law.



Crl.O.P.(MD) No.1316 of 2025

8. In view of the same, the Criminal Original Petition stands allowed

and the First Information Report in Crime No.26 of 2023 on the file of the first respondent police is hereby quashed as against this petitioner alone. Consequently connected miscellaneous petition stands closed.

25.03.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
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To

1. The Inspector of Police
All Women Police Station, Cantonment
Trichy City, Trichy District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.1316 of 2025

P.DHANABAL, J.

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Crl.O.P(MD)No.1316 of 2025

25.03.2025