

Crl.O.P.(MD)No.1806 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2025

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CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD)No.1806 of 2025
and
Crl.M.P.(MD) Nos.1244 and 1245 of 2025

1.S.Ganesan
2.Gandhimathi
3.S.G.Ramya
4.K.Harikrishnanji
5.Sangeetha

... Petitioners

Vs.

1.State
through the Inspector Of Police
AWPS Thallakulam,
Madurai City.
(Crime No.45 of 2023)

2. Vinothini

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS to call for the records and quash the impugned charge sheet in C.C.No.2069 of 2024 on the file of learned Judicial Magistrate VI, Madurai District against these petitioners.



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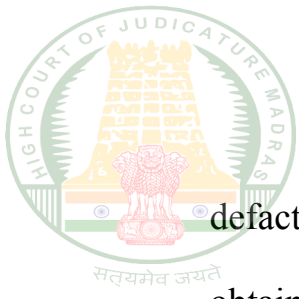
Crl.O.P.(MD)No.1806 of 2025

For Petitioners : Mr.A.B.Jeeva
For R1 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)
For R2 : Mr.R.Vignesh

ORDER

This petition is filed by the petitioner to quash the C.C.No.2069 of 2024, on the file of the Judicial Magistrate-VI, Madurai as against these petitioners.

2. The prosecution case is that the defacto complainant/second respondent, namely, Vinothini, married one Thilippan Sundar, who is the first accused in this case. These petitioners are in-laws of the defacto complainant and they have arrayed as A2 to A6 in this case. The marriage between the defacto complainant and the first accused was solemnized on 06.09.2018 on Thiruvadanai Sivan Temple. At the time of marriage, the parents of the defacto complainant presented 83 sovereigns of gold jewels to the defacto complainant and 10 sovereigns of gold jewels and Rs.2,00,000/- to the first accused and also presented Sridhana articles, worth about Rs.5,00,000/-. After the marriage, the defacto complainant resided along with the first accused as joint family. Thereafter, when the



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defacto complainant was conceived, the first accused and his parents obtained the jewels of the defacto complainant for keeping the same in their safety locker. Thereafter, the defacto complainant gave birth of female child. The first accused, alongwith his parents, insisted the defacto complainant to bring dowry of Rs.2,00,000/- and also harassed her. The parents of the defacto complainant also paid the said Rs.2,00,000/-. Again, during Covid-19 pandemic period, the husband of the defacto complainant, along with his parents, demanded money and harassed her. The accused Nos.4 and 5/petitioners 3 and 4 also came to the house of the first accused and they also demanded Rs.7,00,000/- towards dowry and thereafter, when the defacto complainant was asking to return her jewels, the first accused told that the jewels were handed over to his parents and refused to return the jewels. Therefore, the defacto complainant lodged a complaint before the first respondent and they registered a case in Crime No.45 of 2023, for the offences under Sections 498(A), 406 and 506(i) of IPC. Thereafter, the first respondent conducted investigation and filed Final Report. The same was taken cognizance by the Judicial Magistrate-VI, Madurai, in C.C.No.2069 of 2024 and the same is pending. Now, the in-laws of the defacto complainant filed this petition to quash the pending proceedings.



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3. The learned counsel for the petitioners would submit that the second respondent is the daughter-in-law of the petitioners 1 and 2 and the petitioners 3 and 4 are the daughter and the daughter's husband of the petitioners 1 and 2. The fifth respondent is also the daughter of the petitioners 1 and 2. While so, due to the family dispute between the defacto complainant and son of the petitioners 1 and 2, the defacto complainant/second respondent lodged a false complaint against these petitioners and based on the same, without any enquiry, the first respondent registered the case in Crime No.45 of 2023, for the offences under Sections 498(A), 406 and 506(i) of IPC. Thereafter, the first respondent, without conducting proper investigation, filed Final Report and the Trial Court also, without any *prima facie* material, has taken cognizance. In fact, no any such occurrence was happened as alleged in the FIR and Final Report. Even as per the FIR and Final Report, there are only vague and bald allegations as against these petitioners.

4. The learned counsel would further submit that there are no ingredients to constitute offences under Sections 498(A), 406 and 506(i) of IPC. These petitioners never demanded dowry and harassed the defacto complainant. There is a family dispute between the defacto complainant



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and the first accused. The family dispute was converted into the criminal case. Further, there is a delay of seven months in lodging FIR and no any harassment was made by the petitioners and no any specific allegations as against these petitioners to constitute offence under Section 498(A). Even as per FIR and Final Report, the jewels were handed over to the first accused and when the same was asked to the first accused, he told that he handed over the jewels to his parents, who are the petitioners 1 and 2. However, there is no material that the jewels were entrusted to the petitioners 1 and 2. Hence, without any material, section 406 of IPC would not attract.

5. The learned counsel would further submit that as far as 506(i) of IPC is concerned, there are no ingredients that these petitioners caused criminal intimidation. Mere threaten is not sufficient to attract the provision under Section 506(i) of IPC. However, without proper investigation, the first respondent filed the Final Report and the Trial Court has also taken cognizance, without any *prima facie* material. Therefore, pending proceedings is liable to be quashed as against these petitioners.



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6. The learned counsel for the second respondent would submit that the petitioners, along with the first accused, demanded dowry and harassed the defacto complainant and also they refused to return back the gold ornaments of the defacto complainant. They also threatened her with dire consequences. Thereby, the defacto complainant lodged the complaint against the petitioners and first accused. The first respondent registered the case in Crime No.45 of 2023, for the offences under Sections 498(A), 406 and 506(i) of IPC. Thereafter, they conducted elaborate investigation and filed Final Report. As per the Final Report, there are serious allegations as against these petitioners. There are *prima facie* materials available to constitute the offence. Therefore, the matter requires elaborate trial. Hence, this petition is liable to be dismissed.

7. The learned Government Advocate (Crl.Side) for the first respondent would submit that based on the complaint lodged by the second respondent, they registered the case in Crime No.45 of 2023, for the offences under Sections 498(A), 406 and 506(i) of IPC. Thereafter, they conducted investigation and filed Final Report. As per the Final Report, there are *prima facie* materials available as against these petitioners and the first accused. Therefore, they filed Final Report before



the learned Judicial Magistrate-VI, Madurai and the Trial Court has also taken cognizance and now, the case is posted for trial. Since there are *prima facie* materials available, they have to face trial and it is the matter for trial. Therefore, the petition is liable to be dismissed.

8. This Court heard both sides and perused the records.

9. On perusal of the records, it is seen that based on the complaint lodged by the second respondent, the first respondent registered the case in Crime No.45 of 2023, for the offences under Sections 498(A), 406 and 506(i) of IPC. Thereafter, the first respondent conducted investigation and filed Final Report. Based on the Final Report, the Trial Court has taken cognizance in C.C.No.2069 of 2024.

10. According to the petitioners, there is a family dispute pending between the first accused and the defacto complainant and the petitioners are no way connected in this case. They petitioners have never received the gold ornaments from the defacto complainant and they have not demanded any dowry as alleged by the defacto complainant and they have not caused any criminal intimidation. Even as per the Final Report and



FIR, there are vague allegations and there is no specific allegation as against these petitioners. Based on the general allegations, by implicating all the accused, the complaint has been lodged.

11. This Court also perused the records. On perusal of the records, it is seen that as per the FIR, there are general allegations that all the petitioners demanded dowry along with first accused. The petitioners 3 and 4 are concerned, they are not residing Trichy and they are residing in Chennai and further, no any specific allegations as against the petitioners 3 to 5. Further, there are only general allegations as against the petitioners 1 and 2 that they demanded dowry along with the first accused and only based on the said general allegations, the petitioners 1 and 2 have been implicated in this case. Without any specific allegation as against the petitioners 3 to 5, they also included in this case. Therefore, without any *prima facie* material, they need not face trial.

12. As far as offence under Section 498(A) of IPC is concerned, in order to attract the provisions, no any materials as per the FIR and Final Report as against the petitioners 1 and 2. There are general allegations and there is no specific allegation as against the petitioners 3 to 5.



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13. As far as Section 406 of IPC is concerned, no any materials to show that the jewels were entrusted with these petitioners. As per the material, the jewels were entrusted to the first accused for keeping safe custody in bank locker. Therefore, no ingredients to constitute the offence under Section 406 as against these petitioners.

14. As far as the offence under Section 506(i) of IPC is concerned, no specific allegations as against these petitioners and the main allegation is against the first accused. Hence, there is no sufficient material to constitute of offence under Section 506(i) of IPC. Therefore, there is no ingredients to constitute of offence as far as these petitioners are concerned. However, the Trial Court had taken cognizance, without any *prima facie* material. Moreover, the FIR and Final Report itself shows that the matrimonial dispute has been converted as criminal complaint and therefore, the pending proceedings as against these petitioners is abuse of process of law.

15. The learned counsel for the petitioner relied upon the judgement of Hon'ble Supreme Court in *Neelu Chopra and another vs. Bharti*, reported in (2009) 14 S.C.R 1074, wherein the Hon'ble Supreme Court



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held that even if the complaint is vague, general and silent about the precise acts of the accused, the particulars of offence committed by the accused and role played by them in committing any offence is not mentioned in the complaint and allegations primarily made against the husband, under the circumstances, allowing the prosecution to continue against the aged parents, would be abuse of process of law.

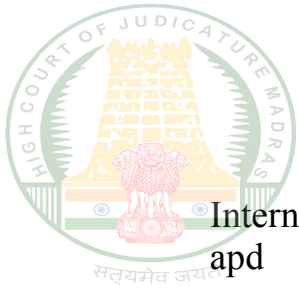
16. In the case on hand, the main allegation is against the husband. No any petition is filed by him and these petitioners, who are the parents and family members of the husband, have been wrongly implicated in this case. Hence, the pending proceedings against these petitioners is abuse of process of law.

17. In view of the same, this Criminal Original Petition is allowed and the case in pending proceedings in C.C.No.2069 of 2024, on the file of the learned Judicial Magistrate -VI, Madurai, is quashed against these petitioners. Consequently, connected miscellaneous petitions are closed.

09.04.2025

NCC : Yes / No
Index : Yes / No

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Internet : Yes
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To

- 1.The Judicial Magistrate -VI, Madurai.
- 2.The Inspector Of Police
AWPS Thallakulam,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL, J.,

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