



CrI.O.P.(MD)No.2305 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.(MD).No.2305 of 2024

and

CrI.M.P(MD) No.1766 of 2024

Sudha

... Petitioner/3rd Accused

Vs.

1.The Inspector of Police,
All Women Police Station,
Sattur, Virudhunagar District.
Crime No.13 of 2013.

...1st Respondent/Complainant

2.Senbaghadevi

...2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings of Crime No.13 of 2023 on the file for the Inspector of Police, All Women Police Station, Sattur, Virudhunagar District as against the petitioner and quash the same.

For Petitioner	: Mr.N.Jeyaram Sidharth
For R1	: Mr.K.Sanjai Gandhi Government Advocate (CrI.Side)
For R2	: Mr.P.Suruli Raja



Crl.O.P.(MD)No.2305 of 2024

ORDER

WEB COPY

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.13 of 2023 for the offences punishable under Sections 498-A, 406, and 323 IPC, and Section 4 of the Dowry Prohibition Act, 1961.

2. The allegation in the FIR is that the petitioner is the sister of the first accused, who is the husband of the defacto complainant. It is alleged that at the time of marriage, the husband demanded dowry and the defacto complainant's father had given a sum of Rs.1,00,000/- along with 50 sovereigns of gold. Thereafter, at the instigation of his mother and sister, the first accused harassed the defacto complainant by not providing food, by demanding further dowry, and by assaulting her. It is further alleged that he resigned from his job and committed cruelty in several ways, amounting to domestic violence.

3. The learned counsel for the petitioner would submit that the allegations made against the petitioner are false; that the petitioner is a married woman and was not living with the defacto complainant and the first accused; that the allegation that the first accused assaulted the defacto complainant and committed cruelty is an afterthought; and that insofar as the petitioner is

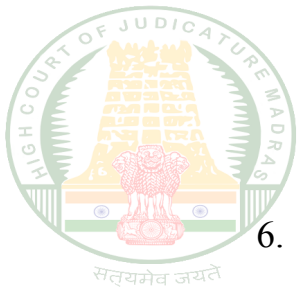


Crl.O.P.(MD)No.2305 of 2024

concerned, the FIR is an abuse of process of law and is therefore liable to be quashed.

4. The learned Government Advocate (Crl.Side) would submit that the allegations in the FIR are not only against the first accused, but also against the petitioner, who is the sister-in-law of the defacto complainant, and against the mother-in-law of the defacto complainant and that all of them had jointly subjected the second respondent to cruelty by demanding additional dowry and by not treating her properly.

5. The learned counsel for the defacto complainant vehemently opposed the prayer to quash the proceedings in FIR No.13 of 2023, contending that it was only at the instigation of the petitioner that the first accused, along with his mother, had committed cruelty against the defacto complainant; that even though the petitioner was residing separately, when she returned to her parental home for maternity, the first accused, at the instigation of the petitioner, continued to subject her to cruelty; and that therefore, the registration of the FIR against the petitioner is in accordance with law, and this petition is liable to be dismissed.



Crl.O.P.(MD)No.2305 of 2024

6. On perusal of the FIR, it is seen that the allegations are primarily against the first accused, stating that he had demanded dowry, caused cruelty by not providing proper food, and also resigned from his job. The allegation against the petitioner is that the first accused had committed all those acts only at her instigation.

7. Admittedly, the petitioner is a married woman residing separately in a different house. There is nothing in the FIR to suggest that she had anything to do with the matrimonial differences between the first accused and the defacto complainant. The Hon'ble Supreme Court, in several decisions, has deprecated the practice of defacto complainants making allegations against the relatives of the husband, who reside at far-off places. In the absence of any specific allegations to suggest that the petitioner was directly involved in any act of cruelty, this Court is of the view that the FIR against the petitioner is misconceived and is an abuse of process of law.

8. Therefore, this Court is inclined to quash the FIR in Crime No.13 of 2023, insofar as the petitioner is concerned. It is made clear that this Court has not expressed any opinion with regard to the allegations against the other accused in the FIR, and it is open to the first respondent to proceed in



Crl.O.P.(MD)No.2305 of 2024

accordance with law as against the other accused.

WEB COPY

9. With the above observations, the FIR in Crime No.13 of 2023 on the file of the first respondent Police is quashed insofar as the petitioner is concerned. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

01.09.2025

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

Indu

To

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



WEB COPY



Crl.O.P.(MD)No.2305 of 2024

SUNDER MOHAN, J.

Indu

Crl.O.P(MD).No.2305 of 2024

01.09.2025