



CrI.O.P.(MD)No.5770 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.(MD).No.5770 of 2024

and

CrI.M.P.(MD).Nos.4388 and 4389 of 2024

Esakki Muthu

... Petitioner/Accused No.1

Vs.

1.The Inspector of Police,
All Women Police Station,
Alangulam,
Tirunelveli District.
(Crime No.13/2013)

... 1st Respondent/Complainant

2.Gowri

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C No.789 of 2016 on the file of the Judicial Magistrate, Alangulam, Tenkasi and quash the same by allowing the above criminal original petition.

For Petitioner : Mr.S.Packiya Muthu

For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For R-2 : Mr.C.Susikumar
Legal Aid Counsel



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ORDER

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The petitioner seeks to quash the final report filed in C.C.No.789 of 2016 for the offences under Section 498(A), 294(b), 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 4 of Dowry Prohibition Act.

2. The allegation in the final report is that the petitioner and the defacto complainant got married on 03.06.2011; that a child was born to them on 08.02.2012; that the petitioner went to Singapore for avocation and resided with his brother's family there; that on the request of the family members of the defacto complainant, the petitioner came back to India; that thereafter the petitioner refused to live with the defacto complainant and demanded Rs.10,00,000/- as dowry to live with her and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that a matrimonial dispute is sought to be projected as a case of cruelty; that the allegations are false; that the statements of witnesses filed along with the final report would clearly indicate that the offence of Section 498A IPC or Section 4 of the Dowry Prohibition Act would not be made out; and that the statements of the witnesses would show that the prosecution case is false as the statements, which were

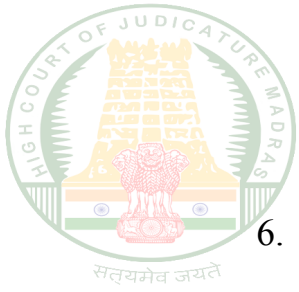


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recorded on a particular date, contained the details of incidents said to have happened later.

4. The learned Additional Public Prosecutor per contra submitted that out of 10 witnesses cited by the prosecution, 7 witnesses have already been examined and 8th witness was examined today and the trial would be concluded in the near future. He further submitted that the witnesses have deposed about the offences committed by the petitioner and at this stage, the petition to quash the final report may not be entertained.

5. This Court is of the view that the points raised by the petitioner can be raised in the trial before the learned Magistrate since the trial is at its fag end. The prosecution, as stated earlier, had examined 8 witnesses out of 10 cited by them. Further, the points raised by the petitioner are factual in nature and this Court cannot adjudicate the said issues in this petition. Since the case is pending from 2016, the learned Magistrate may examine the other witnesses and conclude the trial as expeditiously as possible. It is needless to say that the learned Magistrate shall consider the defence of the petitioner without being influenced by any of the observations made in this order.



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6. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petitions are closed.

10.09.2025

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

To

- 1.The Judicial Magistrate Court,
Alangulam,
Tenkasi.
- 2.The Inspector of Police,
All Women Police Station,
Alangulam,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm

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