



Crl.OP(MD)No.7411 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).Nos.7411 of 2025

and

Crl.M.P.(MD)Nos.5418 and 5419 of 2025

1. Sharmila

2. Saliya

3. Kathijabanu

4. Sasi @ Jasmin

5. Yasim

6. Rosilabanu

... Petitioners

Vs.

1. The State of Tamil Nadu,
Rep . by The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai.
(Crime No.18/2023)

2. Rojabanu

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records of the impugned Charge Sheet in



Crl.OP(MD)No.7411 of 2025

C.C.No. 2092/2024 on the file of the learned Judicial Magistrate No.II, Madurai and quash the same as against the petitioners.

For Petitioner : Mr.R.L.Dilipan Pandian,
For Mr.S.Manoj Kumar

For R-1 : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For R-2 : Mr.S.M.A.Jinnah

ORDER

Preface:

The inherent jurisdiction of this Court under Section 482 Cr.P.C., 1973, is invoked in cases where criminal law is sought to be employed as a tool of harassment, particularly in matrimonial disputes where distant relatives are arrayed as accused on the strength of vague and omnibus allegations. The present Criminal Original Petition is one such instance where the petitioners, who are admittedly not members of the matrimonial household, seek quashment of the criminal proceedings initiated against them.



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Case of the prosecution:

2. The case of the prosecution is that the second respondent / *defacto* complainant married Accused No.1 on 23.07.2021 in the presence of elders and family members. At the time of marriage, her parents allegedly gifted 13 sovereigns of gold jewels and household articles worth about Rs.1,00,000/-. It is alleged that after marriage, the *defacto* complainant was subjected to cruelty and harassment at the matrimonial home by her husband and his relatives, including the petitioners herein, with demands for additional dowry. It is further alleged that Accused No.1 was in a relationship with another woman and that when the same was questioned by the *de facto* complainant, disputes arose.

3. On the basis of a petition filed under Section 156(3) Cr.P.C., 1973, before the learned Mahila Court, Madurai, a direction was issued to the police, pursuant to which the first respondent registered a case in Crime No.18 of 2023 dated 26.03.2023 for the offences under Sections 498-A, 406 and 506(i) IPC. Upon completion of investigation, a charge sheet was laid and taken on file as C.C.No. 2092 of 2024 on the file of the learned Judicial Magistrate No.II,



Crl.OP(MD)No.7411 of 2025

Madurai, arraying several accused, including the present petitioners, who have been shown as A5, A8, A10, A11, A12 and A13.

Grounds for quash:

4. The petitioners contend that they never resided in the matrimonial home of the *defacto* complainant and Accused No.1 and that they are either sisters-in-law, mother-in-law or distant relatives living separately. It is the specific case of the petitioners that the allegations levelled against them are vague, bald and omnibus in nature, without any specific overt act or role attributed to each of them.

5. It is further contended that no preliminary enquiry was conducted by the police, the complaint was not referred to the Social Welfare Officer, nor was any counselling arranged, as mandated in matrimonial disputes involving allegations under Section 498-A IPC. It is also pointed out that Accused No.1 had already instituted a divorce proceeding in O.S.No.296 of 2022 before the learned District Munsif Court, Melur, on 19.12.2022 and that the present criminal



proceedings and the Domestic Violence Case in D.V.C.No.73 of 2023 are retaliatory in nature.

Submissions:

6. The learned counsel appearing for the petitioners submitted that the petitioners are distant relatives and have no connection whatsoever with the matrimonial life of the *defacto* complainant. He would submit that merely because they are related to Accused No.1, they have been unnecessarily roped in.

7. He relied upon the decisions of the Hon'ble Supreme Court in ***Arnesh Kumar v. State of Bihar*¹, *Preeti Gupta v. State of Jharkhand*², *Rajesh Sharma v. State of U.P.*, and *State of Haryana v. Bhajan Lal*³** to contend that mechanical prosecution of relatives in matrimonial disputes amounts to abuse of process of law.

8. Per contra, the learned Government Advocate (Crl. Side), on instructions, contended that the charge sheet discloses specific

¹ (2014) 8 SCC 273

² (2010) 7 SCC 667

³ 1992 AIR 604



Crl.OP(MD)No.7411 of 2025

allegations against the petitioners and that the same can be tested only during trial. He therefore sought dismissal of the petition.

9. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for consideration:

10. The point that arises for consideration is whether the continuation of criminal proceedings in C.C.No.2092 of 2024 against the petitioners, who are distant relatives of the husband, would amount to abuse of process of law warranting interference under Section 482 Cr.P.C., 1973?

Analysis:

11. This Court has carefully perused the FIR, the charge sheet and the statements recorded under Section 161 Cr.P.C., 1973. A bare reading of the materials would reveal that the allegations against the petitioners are general and omnibus, without any specific date, time or nature of overt act.



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12. The materials do not disclose that the petitioners were residing along with the *defacto* complainant or that they had dominion over the alleged dowry articles so as to attract the offence under Section 406 IPC.

13. The Hon'ble Supreme Court in the case of ***Preeti Gupta v. State of Jharkhand***⁴ has cautioned Courts against the tendency to implicate all relatives of the husband in matrimonial disputes, particularly when they are residing separately.

14. In ***Arnesh Kumar v. State of Bihar***⁵, the Hon'ble Apex Court has highlighted the misuse of Section 498-A IPC and the resultant harassment caused to innocent relatives.

15. Applying the parameters laid down in ***State of Haryana v. Bhajan Lal***⁶, this Court is of the considered view that even if the allegations are taken at face value, no *prima facie* case is made out

4 (2010) 7 SCC 667

5 (2014) 8 SCC 273

6 1992 AIR 604



Crl.OP(MD)No.7411 of 2025

WEB COPY

against the petitioners and the continuation of proceedings would only result in abuse of process of law.

16. In view of the foregoing discussion, this Court is satisfied that the petitioners have been unnecessarily implicated in a matrimonial dispute between the defacto complainant and Accused No.1 and that the criminal proceedings as against them are liable to be quashed.

17. Accordingly, this Criminal Original Petition is allowed and the impugned charge sheet in C.C.No.2092 of 2024 on the file of the learned Judicial Magistrate No.II, Madurai, is quashed as against the petitioners. Consequently, the connected Criminal Miscellaneous Petitions are closed.

16.12.2025

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



Crl.OP(MD)No.7411 of 2025

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- 1.The Judicial Magistrate No.II,
Madurai.
- 2.The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.OP(MD)No.7411 of 2025

L.VICTORIA GOWRI, J.

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CRL OP(MD)No.7411 of 2025

16.12.2025