

Crl OP(MD)No.14201 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 26.08.2025

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl OP(MD)No.14201 of 2025 and
CrIMP(MD)No.11449 of 2025

1.L.M.Shibin Leo

2.L.Leons

3.Mariya Therasa

4.L.M.Assis Leo

... Petitioners

versus

1.The State of Tamil Nadu
Rep by its Inspector of Police,
All Women Police Station,
Marthandam Police Station
FIR No.29 of 2025

2.K.C.Adharsha

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, to call for the records in connection with FIR in Crime No.29 of 2025 dated 31.05.2025 on the file of the All Women Police Station, Marthandam, Kanyakumari district and quash the same.



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For Petitioners : Mr.K.Ragatheesh Kumar
For R1 : Mr.P.Kottaichamy,
Government Advocate (Crl. side)

ORDER

The petitioners are accused Nos. 1 to 4 in Crime No.95 of 2025 on the file of the respondent police. The marriage between the 1st petitioner and the 2nd respondent was performed on 08.04.2021 at the CSI Church, Kaliyakkavilai, Kanyakumari district, as per the Christian customs. The 2nd respondent has lodged a complaint as against the petitioners on 31.05.2025, based on which this case is registered for the offence under Sections 498(A), 406, 294(b) and 506(i) of IPC and Sections 3(1), 4 and 6 of the Dowry Prohibition Act, 1961. The petitioners have filed this petition to quash the proceedings in Crime No.95 of 2025.

2.The learned counsel for the petitioners submits that the 2nd respondent / defacto complainant became pregnant in the month of November 2021, however, she was very much concerned about

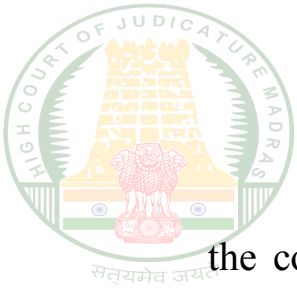


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getting a government job and she did not want to give birth to the child and she aborted the pregnancy. Therefore there was a conflict between the 1st petitioner husband and the 2nd respondent. The 2nd respondent left the matrimonial home on 16.02.2023. The husband has filed a petition for restitution of conjugal rights in DOP.No.514 of 2023. The 2nd respondent has not responded to the DOP and has not filed any counter affidavit for two years. Therefore, the 1st petitioner has filed CRP(MD)No.2965 of 2024 before this court for a direction to dispose of the DOP within a stipulated time and this court by order dated 26.11.2024 directed the trial court to dispose of DOP within a period of six months. Only thereafter the 2nd respondent filed a counter affidavit in the DOP and for the first time she had made several allegations in the counter. Thereafter she lodged a complaint before the respondent police in the month of March 2025.

3.The learned counsel has also produced the copy of the complaint and submits that there are different allegations made in



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the complaint made in March 2023. The petitioners have received the summon on 07.04.2025. Under such circumstances, the present complaint is lodged before the Deputy Superintendent of Police on 31.05.2025 and the FIR was registered on the same day.

4. According to the learned counsel, the signatures found in the complaint in March 2023 differs from the signature found in the complaint lodged on 31.05.2025. The allegations are also different. Therefore, according to the learned counsel, this complaint registered by the respondent police in Crime No.29 of 2025 is a created one.

5. The learned Government Advocate appearing for the respondent police submits that the 2nd respondent claims that she was not pregnant as projected by the petitioners and the grounds raised by the petitioners are matter for investigation.



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6.This court considered the rival submissions made.

7.Though the petitioners have raised several grounds, this court is not inclined to entertain this petition, as it is matter for investigation. Accordingly, this petition is dismissed. The respondent police must be careful in dealing with the matrimonial complaints and find out the truth in the complaint, not only examining the witnesses produced by the complainant but by examining others also. The respondent police shall consider the grounds raised by the petitioner during the course of investigation. They shall also refer the matter for Social Welfare officer, if there is any possibility of amicable settlement and the petitioners shall make use of the same. The petitioners are at liberty to challenge the final report if any filed against them. Consequently connected miscellaneous petition is closed.

26.08.2025

DSK



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To

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



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B.PUGALENDHI, J.

DSK

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