



**Crl.O.P.(MD)No.19299 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**RESERVED ON : 11.09.2025**

**PRONOUNCED ON : 15.09.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**Crl.O.P.(MD).No.19299 of 2024**

**and**

**Crl.M.P.(MD).No.11908 and 11909 of 2024**

1.S.Chandrasekar

2.C.Dhanalakshmi

3.C.Seethalakshmi

4.R.Senthil Kumr

5.G.Vijayalakshmi

6.V.Ramalingam

... Petitioners/Accused Nos.2 to 7

**Vs.**

1.The State of Tamil Nadu, Rep. by,  
The Inspector of Police,  
All Women Police Station,  
Sivagangai District.  
(Crime No.7 of 2023)

... 1<sup>st</sup> Respondent/Complainant

2.Kavitha

...2<sup>nd</sup> Respondent/Defacto Complainant

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the case in C.C.No.97 of 2024 pending on the file of the learned Principal District Munsif cum Judicial



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Magistrate, Thiruppathur, Sivagangai District and quash the same as against the petitioners.

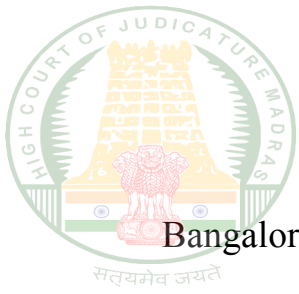
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For Petitioners : Mr.R.Anand  
For R-1 : Mr.R.Meenakshi Sundaram  
Additional Public Prosecutor  
For R-2 : No appearance

### **ORDER**

The petitioners have sought for quashing of the final report filed in C.C.No.97 of 2024 for the offences under Section 498(A), 406 and 506(1) IPC.

2. The petitioners are the in-laws and other relatives of the husband of the defacto complainant/second respondent and arrayed as A2 to A7 in the final report. The husband of the defacto complainant is arrayed as A1 and is not a party to this quash petition. The allegation in the final report is that the defacto complainant and the first accused got married on 01.02.2023; that 70 sovereigns of gold jewels, sridhana articles worth Rs.1,22,000/-, 10 sovereigns of gold jewels to the first accused besides household and silver articles worth Rs.1,72,000/-, were given to the first accused; that since the first accused was running a shop in Trichy, the defacto complainant went to Trichy to live with the first accused, where A2 to A5, namely, the petitioners 1 to 4 were living along with the first accused as a joint family; that A6, who was living in



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Bangalore, would often visit the matrimonial house of the defacto complainant; that right from the day of marriage, the second petitioner (A3) had committed cruelty by not offering food to the defacto complainant; that the first accused used to return home in an inebriated condition every night and cause hurt to the defacto complainant; that the first accused did not indulge in conjugal relationship with the defacto complainant; that at the instance of the petitioners, namely, A2 to A7, the first accused had constantly abused her in filthy language; and that the petitioners thereafter demanded a sum of Rs.5,00,000/- and 20 sovereigns of gold to permit the defacto complainant to have conjugal relationship with the first accused.

3. The learned counsel for the petitioners would submit that a case of matrimonial difference between the second respondent and the first accused has been projected as a case of cruelty, misappropriation and criminal intimidation; that there are no allegations of cruelty as against the petitioners; that the third petitioner is the younger sister of the first accused and is yet to get married because of the false case; that the petitioners 4, 5 and 6 are distant relatives and have no connection with the matrimonial affairs of the first accused and the second respondent; that in any case, the allegations would not attract the offences and that the impugned prosecution was initiated on the complaint of the defacto complainant after she had received the notice in the divorce petition



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filed by the first accused; that the impugned prosecution is contrary to the guidelines issued by the Hon'ble Supreme Court with regard to prosecuting the relatives of the husband under Section 498A IPC and relied upon the judgment of the Hon'ble Supreme Court in the case of *Achin Gupta Vs. State of Haryana and another* reported in **2024 SCC OnLine SC 759** and the judgment of this Court in the case of *Neelavathi and another Vs. Inspector of Police and another* reported in **(2023) 1 MWN (Cri) 632**.

4. The learned Additional Public Prosecutor, per contra, would submit that the question as to whether the allegations against the petitioners would constitute the offence under Section 498A IPC cannot be gone into in a quash petition; that the prosecution had cited several witnesses including the parents of the defacto complainant; and that the prosecution cannot be quashed at the initial stage itself.

5. Though notice has been served on the second respondent and her name is printed in the cause list, none has entered appearance.

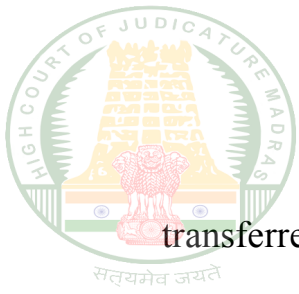
6. The father and mother of the first accused are the petitioners 1 and 2. (A2 & A3). The third petitioner (A4) is the unmarried younger sister of the first accused and living with her parents along with the first accused. The fourth petitioner (A5) is the distant relative of the first accused and the fifth petitioner



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(A6) is the elder sister of the second petitioner. Admittedly, the fifth petitioner

(A6) is living in Bangalore. The sixth petitioner (A7) is the grandfather aged about 85 years. The petitioners 4 and 6 are distant relatives and living separately in Thiruvarur District. A reading of the FIR, the statements recorded by the Police and the final report would indicate that there were matrimonial differences between the first accused and the defacto complainant. The main grievance of the second respondent appears to be that the marriage was not consummated. The only allegation against the petitioners is that they demanded dowry to permit the defacto complainant to have conjugal relationship with the first accused. The allegation against the petitioners is inherently improbable and opposed to common sense as the conjugal relationship between husband and wife cannot be dictated or controlled by any third party. There is no other allegation against any of the petitioners except against the second petitioner, who is said to have not provided food to the defacto complainant. The prosecution clearly appears to be one instituted with an ulterior motive for wreaking vengeance and to arm-twist the first accused. There is no allegation that the petitioners had misappropriated the jewels or sridhana articles of the defacto complainant. According to the petitioners, the first accused had filed a petition for divorce against the second respondent, even before the filing of FIR, which has resulted in the impugned final report, in H.M.O.P No.362 of 2023 on the file of the Family Court, Trichy, which was subsequently



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transferred to the file of the Family Court, Thoothukudi.

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7. It is further seen that this Court in Crl.O.P.(MD).No.20618 of 2023, which was filed challenging the FIR, had also passed an order dated 17.11.2023, which reads as follows:

*“2. In the mean time, investigation may go on, but subject to the result of this petition, Final Report shall be filed.”*

8. It appears that even before the above quash petition was finally decided, the impugned final report was filed before the jurisdictional Magistrate. Be that as it may. The allegation in order to attract Section 498A IPC has to be one that suggests cruelty in connection with dowry demand or cruelty of such a nature that would drive a woman to commit suicide. Even assuming that the allegations against the petitioners are true, the said allegations would not constitute the cruelty within the meaning of Section 498A IPC. The allegations against the petitioners would also not constitute the offence under Section 506(1) IPC, as there was no real threat, which is an essential requirement to attract the offence of criminal intimidation. Further, there is no allegation of misappropriation of any property against these petitioners to attract Section 406 IPC.



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9. For all the aforesaid reasons, this Court is of the view that the impugned prosecution as against these petitioners, namely, the parents, sister and distant relatives of the first accused, against whom improbable and vague allegations have been made, cannot be sustained. Accordingly, the impugned final report is quashed as against the petitioners herein and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

**15.09.2025**

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

To

- 1.The Principal District Munsif  
cum Judicial Magistrate,  
Thiruppathur, Sivagangai District.
- 2.The Inspector of Police,  
All Women Police Station,  
Sivagangai District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**SUNDER MOHAN, J.**

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