



CRL.OP(MD) NO.21798 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.21798 of 2024

and

CRL M.P(MD) No.13527 of 2024

1.K.Kandhasamy

2.K.Kaliammal

... Petitioner/Accused Nos.1 and 3

vs.

1.The State of Tamil Nadu
rep. by the Inspector of Police,
Vadamadurai All Women Police Station,
Dindigul.
(Crime No.13 of 2024)

2.Swathi.

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the records connected with the Impugned FIR in Crime No.13 of 2024 on the file of the respondent No.1 and quash the same as illegal.



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For petitioner : Mr.G.Karuppasamy Pandian
for Mr.A.Rajaselvan

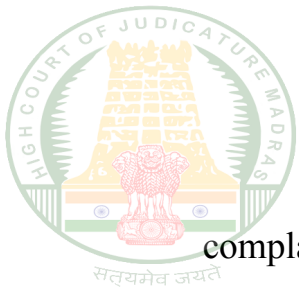
For Respondents : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side) for R1
Mr.Thirupathi Chellasamy for R2

ORDER

This petition has been filed by the petitioner to call for the records connected with the Impugned FIR in Crime No.13 of 2024 on the file of the first respondent and quash the same.

2. Mr.M.Sakthi Kumar, the learned Government Advocate (Crl.Side) takes notice for the first respondent and Mr.Thirupathi Chellasamy, learned counsel takes notice for the second respondent.

3. According to the prosecution case, the petitioners are in-laws of the second respondent, who is the defacto complainant and they, along with his son Selvaraj, harassed the defacto complainant and also caused abortion and criminal intimidation. Thereby, the second respondent lodged a complaint before the first respondent police. Based on the

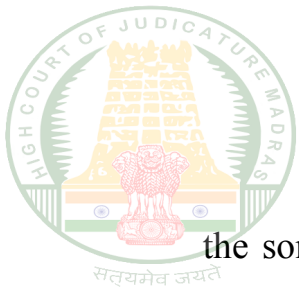


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complaint, an FIR in Crime No.13 of 2024, for the offences under Sections 498(A), 354A, 506(1) and 313 of IPC has been registered and the case is pending for investigation. Now, the petitioners have challenged the above said FIR through this petition.

4. The learned counsel for the petitioners would submit that the petitioners are husband and wife and they have son, namely, Selvaraj. They performed marriage to their son namely, Selvaraj with the second respondent. The marriage was solemnized on 25.05.2012. After marriage, the son of the petitioners and defacto complainant were residing at Kerala. After marriage, two children were born to the second respondent. While so, there are some matrimonial dispute between the petitioners' son and the second respondent. Thereby, the second respondent lodged a false complaint against the petitioners and their son, before the learned Judicial Magistrate, Vendasandur, but the learned Magistrate, without enquiring the matter, directed the first respondent police to register the case. Therefore, the FIR in Crime No.13 of 2024, for the offences under Sections 498(A), 354A, 506(1) and 313 of IPC has been registered.

5. The learned counsel for the petitioners would further submit that



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the son of the petitioners also filed a petition, under Section 9 of Hindu

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Marriage Act for restitution of conjugal rights in H.M.O.P.No.97 of 2024,

before the Principal Sub Court, Veda sandur and the same is pending.

Further, the second respondent filed an application under Section 12 of

the Protection of Women from Domestic Violence Act, 2005 for

maintenance and the same is also pending before the Judicial Magistrate

Court, Veda sandur, in D.V.O.P.No.10 of 2024. Even as per the FIR, there

are no specific allegations levelled against the second petitioner and there

are vague and bald allegations levelled against the first petitioner. Further,

the matrimonial dispute between the son of the petitioners and the second

respondent has been converted into the criminal dispute. Even as per the

FIR, there are no ingredients to constitute offences as against the

petitioners. Therefore, pending FIR as against the petitioners is liable to

be quashed by allowing this petition.

6. The learned counsel for the first respondent police would submit that based on the complaint given by the second respondent and the direction of the learned Judicial Magistrate, Veda sandur, they registered the case in Crime No.13 of 2024 for the offences under Sections 498(A), 354A, 506(1) and 313 of IPC and now, the case is under investigation.



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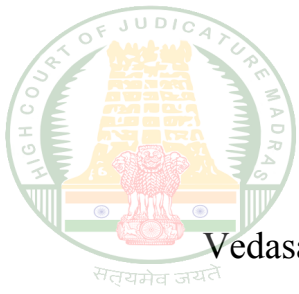
There are some serious allegations levelled against the petitioners.

Therefore, it needs elaborate investigation. Therefore, the petition is liable to be dismissed.

7. The learned counsel for the second respondent/defacto complainant would submit that the petitioners are in-laws of the second respondent and the petitioners's son, along with the petitioners, harassed the second respondent and also caused abortion and made life threat and there are so many serious allegations levelled against the first petitioner. Though the FIR has been registered only for the offences under Sections 498(A), 354A, 506(1) and 313 of IPC, as per the complaint, Section 376 of IPC also would attract. Therefore, it needs elaborate investigation. At this stage, the petitioners are not entitled for relief as prayed for. Hence, this petition is liable to be dismissed.

8. This Court heard both sides and perused the records.

9. The petitioners are in-laws of the defacto complainant, who is the second respondent herein and based on the complaint given by the second respondent and the direction of the learned Judicial Magistrate,



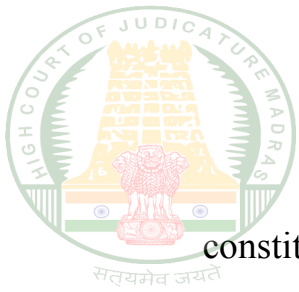
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Vedasandur, the case has been registered in Crime No.13 of 2024 for the

offences under Sections 498(A), 354A, 506(1) and 313 of IPC. According to the petitioners, there are some matrimonial dispute pending between the petitioners' son and the second respondent, thereby, a false complaint has been lodged and there are no allegations to constitute the offences as alleged by the second respondent. Therefore, the pending FIR is abuse of process of law.

10. According to the second respondent, as per the FIR, there are so many allegations to constitute the offences as against the petitioners. Therefore, it needs elaborate investigation.

11. This Court carefully perused the records. This is a case to quash the FIR. It is a well settled law that in order to quash the FIR, there should be sound grounds. Even on reading of FIR, if any offences are not made out, then this Court can quash the FIR. But, in this case, as far as the second petitioner is concerned, there are no specific allegations to constitute any offence and all the main allegations are against the first petitioner and his son. Though the FIR has been registered under Sections 498(A), 354A, 506(1) and 313 of IPC, there are some other allegations to



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constitute other offences as against the first petitioner. As far as the second petitioner is concerned, only bald and vague allegations and there are no specific allegations to constitute the offence under Sections 498(A), 354A, 506(1) and 313 of IPC. Therefore, this Court is of the view that the pending FIR as against the second petitioner is abuse of process of law and without any material to constitute the offence, the second petitioner need not face ordeal trial. Hence, this Court is of the opinion that the petition, in respect of the second petitioner, is liable to be allowed and the petition, in respect of the first petitioner, is liable to be dismissed.

12. In the result, this Criminal Original Petition is partly allowed and the FIR in Crime No.13 of 2024 as against the second respondent alone is quashed. Consequently, connected miscellaneous petition is closed.

20.02.2025

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



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To

1.The Inspector of Police,
Vadamadurai All Women Police Station,
Dindigul.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL,J

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