



Crl.O.P.Nos.7875 & 17629 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.Nos.7875 & 17629 of 2023 and
Crl.MP.Nos.5022 & 11556 of 2023

Crl.OP.No.7875 of 2023

E.Singarajan

... Petitioner

Vs.

1.State Represented by
The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District
(crime No.18 of 2023)

2.A.Myla

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C. praying to quash the FIR in crime No.18 of 2023 registered for the offences under Sections 294(b), 498-A, 494 and 109 of IPC pending on the file of the first respondent, All Women Police Station, Hosur, Krishnagiri District.

For Petitioner : Mr.C.Munusamy
for Mr.P.Sivamuruganantham

For Respondents
For R1 : Mr.A.Gopinath,
Government Advocate(crl.side)

For R2 : Mr.M.P.Saravanan

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1.G.Esakkimuthu

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2.E.Kalaiarasi
3.E.Sornamail

... Petitioners

Vs.

1.State Represented by
The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District
(crime No.18 of 2023)
2.A.Myla

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C. praying to call for the records and to quash the FIR in crime No.18 of 2023 registered for the offences under Sections 294(b), 498-A, 494 and 109 of IPC pending on the file of the first respondent, All Women Police Station, Hosur, Krishnagiri District.

For Petitioners : Mr.C.Munusamy
for Mr.P.Sivamuruganantham

For Respondents
For R1 : Mr.A.Gopinath,
Government Advocate(crl.side)

For R2 : Mr.M.P.Saravanan

COMMON ORDER

Both the criminal original petitions have been filed to quash the proceedings in crime No.18 of 2023 registered for the offences under Sections 294(b), 498-A, 494 and 109 of IPC pending on the file of the first respondent

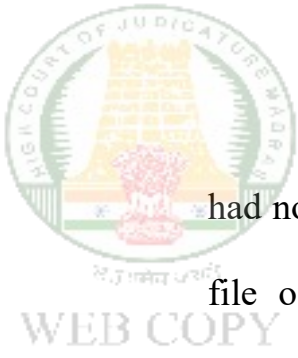


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2. The second respondent lodged complaint before the first respondent alleging that she married the first accused on 07.06.2012. During their marriage, her parents presented 75 sovereigns of jewels, Rs.2,00,000/- cash and other seedhana articles. They lived for two years happily. They gave birth to a female child on 18.07.2013. However, the first accused failed to visit the child and only after ten months, visited her house. Thereafter, he used to harass the second respondent to the core. Thereafter, he refused to live with the second respondent demanding dowry. Thereafter, the first accused also filed petition for divorce in HMOP.No.70 of 2017 and the same dismissed on 04.06.2018. Even then, the first accused did not take any step to take the second respondent to the matrimonial home. While being so, all the family members scolded the second respondent and refused to permit her to enter the matrimonial house. On the complaint, the first respondent registered FIR in crime No.18 of 2023 for the offence punishable under Sections 294(b), 498-A, 494 and 109 of IPC.

3. The learned counsel for the petitioners would submit that due to misunderstanding, even from the year 2014, they were separated and the second respondent did not go to matrimonial house even after repeated request made by the first accused. Therefore, the first accused

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had no other to file a petition for divorce in HMOP.No.70 of 2017 on the file of the Sub Court, Hosur. Though it was dismissed, the second respondent refused to go to matrimonial home. Thereafter, the second respondent lodged complaint and the same was closed by the first respondent. Once again, the second respondent filed a private complaint before the Judicial Magistrate-II, Hosur. On receipt of the same, the learned Judicial Magistrate directed the first respondent to conduct enquiry and to submit report. After enquiry, the first respondent submitted report stating that the first respondent had absolutely no jurisdiction to enquiry into the complaint. On receipt of the said report, the learned Judicial Magistrate-II, Hosur closed the complaint on 29.11.2022. Therefore, suppressing those facts, straight away complaint has been filed once again by the second respondent before the first respondent and the same has been registered. Therefore, it is nothing but clear abuse of process of law. Hence, the learned counsel for the petitioners prayed to quash the impugned proceedings.

4. The learned Government Advocate(crl.side) appearing for the first respondent submitted that there are specific allegations to attract the offences under Sections 294(b), 498-A, 494 and 109 of IPC. It is only FIR stage and it has to be investigated in depth and as such, it cannot be

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quashed on its threshold.

5. Heard, the learned counsel appearing on either side and perused all the materials placed before this Court.

6. Admittedly, the first accused and the second respondent got married on 07.06.2012 and gave birth to a female child. Thereafter, even from the date of the birth of the child, they were separated and they were not living together. Even after negotiation between the elders, the second respondent refused to live with the first accused and now she is living with her parents at Hosur. Therefore, the first accused was constrained to file a petition for divorce on the ground of cruelty in HMOP.No.70 of 2017 on the file of the Sub Court, Hosur and the same was dismissed by the judgment and decree dated 04.06.2018. Even then, the second respondent refused to go to the matrimonial house. Thereafter in the year 2015, the first respondent lodged complaint before the Inspector of Police, All Women Police Station, Guindy and on receipt of the same, the second respondent was issued CSR.No.12 of 2015. After enquiry, the second respondent had received all her belongings from the first accused and the complaint was closed. Once again, the second respondent lodged complaint in the year 2022 before the first respondent and the same was



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enquired and closed. Once again the second respondent filed private complaint before the learned Judicial Magistrate-II, Hosur and on receipt of the same, the learned Magistrate directed the first respondent to enquiry into the complaint and to submit report. The first respondent submitted that they had no jurisdiction to enquire into the complaint and on receipt of the said report, the learned Judicial Magistrate closed the complaint lodged by the second respondent herein. Suppressing these facts, once again, the second respondent lodged complaint before the very same Police Station i.e. the first respondent and the same was registered in crime No.18 of 2023. Therefore, already the first respondent rejected the complaint for want of jurisdiction and thereafter the very same first respondent received complaint and registered FIR without conducting any enquiry and without following the guidelines issued by the Hon'ble Supreme Court of India and this Court while dealing with the complaints with regards to family disputes. It amounts to abuse of process of law and the entire FIR cannot be sustained and the same is liable to be quashed.

7. Further, when no offence is disclosed by the complainant, this Court can examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto. Further even from the year 2014



onwards, the second respondent is living separately and the she never lived together with the first accused or other accused. Though the offence under Section 498-A of IPC is continuous offence, there is absolutely no evidence to show that after giving birth to the female child, the first accused lived with the second respondent herein. Even according to the second respondent, after giving birth to the female child, the first accused never visited the second respondent and her child. He strictly neglected the second respondent and failed to see the child. Further, a complaint was already made and the same was enquired and closed. In fact, during the enquiry, the second respondent received all her articles from the first accused. After period of seven years, the second respondent lodged complaint on the very same set of allegations.

8. In view of the above discussion, this court is inclined to quash the entire impugned proceedings. Accordingly, the entire impugned proceedings in crime No.18 of 2023 pending on the file of the first respondent, is quashed and both the criminal original petitions stand allowed. Consequently, connected miscellaneous petitions are closed.

25.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.State Represented by
The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District
- 2.The Public Prosecutor,
High Court of Madras

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