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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2026

Case QR

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 32777 of 2026 and
CRL MP No. 21579 of 2026
CNR:{HCMA012653022026}

1. Hariprasanth

2. Munirathinam

3. Krishnan

..Petitioners

Vs

1. State Rep by,
   The Inspector of Police,
   All Women Police Station,
   Denkanikottai, Krishnagiri District.
   (Crime No.19 of 2024).

2. Vanithashree

..Respondents

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and quash the C.C.No.133 of 2025 in Crime No. 19 of 2024 on the file of the Learned District Munsif Cum Judicial Magistrate, Denkanikottai and thus render Justice.

For Petitioners: Mr.A.Vignesh
for Mr.S.Esakkimuthu

For Respondents: Mr.R.Ganesh Kumar
Additional Public Prosecutor for R1

ORDER

This petition has been filed to quash proceedings in C.C.No.133 of 2025

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pending on the file of the Learned District Munsif-Cum-Judicial Magistrate, Denkanikottai.

2. Heard the learned counsel appearing on either side and perused the materials placed on record.

3. The case of the prosecution is that, on the complaint lodged by the second respondent, the first respondent registered an F.I.R in Crime No. 19 of 2024 for the offences punishable under Section 498(A) of IPC and Section 4 of Dowry Prohibition Act, 1961. It is alleged that the first accused married the defacto complainant, and at the time of their marriage, the parents of the defacto complainant presented jewels and household articles. Even after the marriage, the accused demanded huge dowry from the defacto complainant and harassed her to the core. Due to such harassment, she was driven out from the matrimonial home. After completion of investigation, a final report was filed and the same was taken cognizance by the Trial Court in C.C.No.133 of 2025. Seeking to quash the same, the present petition has been filed.

4. The learned counsel for the petitioners submitted that based on the complaint, the first respondent registered an FIR in Crime No.19 of 2024. After completion of investigation, a final report was filed and the same was taken cognizance by the trial court in C.C.No.133 of 2025.

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5. Heard the learned counsel appearing on either side and perused the materials placed on record.

6. On perusal of the entire records revealed that the first accused had also filed a petition in HMOP.No.77 of 2024, which is pending on the file of the Family Court, Krishnagiri. Even before filing the divorce petition, the defacto complainant had lodged a complaint. Hence, there are specific allegations as against the accused persons, which prima facie constitute the offences punishable under Sections 498(A) of IPC and Section 4 of Dowry Prohibition Act. In fact, initially, the District Social Welfare Officer, Krishnagiri conducted a detailed enquiry and submitted a report stating that dowry had been demanded by the accused and cruelty committed by the accused.

7. The Hon'ble Supreme Court of India in the judgment reported in ***2019 (4) SCC 351*** in the case of ***Devendra Prasad Singh Vs. State of Bihar & Anr., (Crl.A.No.579 of 2019*** *dated* ***02.04.2019)*** while dealing with the petition to quash the entire criminal proceedings held that the High Courts have no jurisdiction to appreciate the statement of the witnesses and record a finding that there were inconsistencies in their statements and therefore, there was no *prima facie* case made out as against the accused. It could be done only by the trial Court while deciding the issues on the merits or/and by the Appellate Court

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while deciding the appeal arising out of the final order that the charge sheet has been laid on the basis of the inconsistency statement under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. Fruther, the Hon'ble Supreme Court of India in the judgment reported in **2019 (10) SCC 686** in the case of **Central Bureau of Investigation Vs. Arvind Khanna, (Crl.A.No.1572 of 2019** dated 17.10.2019) held that the High Courts cannot record the findings on the disputed facts. The defence of the accused is to be tested after appreciation of evidence by the trial Court during the trial. Therfore, this Court has no power to consider the disputed facts under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

9. The Hon'ble Supreme Court of India in another judgment dated **02.12.2019** passed in **Crl.A.No.1817 of 2019** in the case of **M.Jayanthi Vs. K.R.Meenakshi & anr,** held that while considering the petition for quashment of complaint or charge sheet, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that consititue certain offences complained of. Further, the Court can also see whether the preconditions requisite for taking cognizance have been complied with or not and whether the allegations contained in the complaint, even if accepted in entirety, would not consititue the offence alleged.

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Whether the accused will be able to prove the allegations in a manner known to law would arise only at a later stage i.e., during trial.

10. Further, this Court cannot observe at this stage as to whether the initiation of criminal proceeding itself is malicious or not. The same is required to be considered at the conclusion of the trial. Therefore, the ground raised by the petitioner to quash the final report/charge sheet cannot be entertained.

11. In view of the above discussions, this Court is not inclined to quash the impugned proceedings and accordingly this Criminal Original Petition is dismissed. However, the petitioner is at liberty to raise all the grounds before the trial Court.

11-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Pss/Lpp

To

1. The Inspector of Police, All Women Police Station, Denkanikottai, Krishnagiri District.

2. The District Munsif Cum Judicial Magistrate, Denkanikottai.

3. The Public Prosecutor, High Court of Madras.

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G.K.ILANTHIRAIYAN J.

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