



CRL OP(MD). No.3082 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 28/01/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.3082 of 2024

and

CRL MP(MD). No.2458 and 2459 of 2024

1. Manimuthu
2. Selvanathan
3. Mahadevi
4. Jeyakumar
5. Ramanathan
6. Kumaran

... Petitioners

Vs

1. The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
Crime No.23 of 2020.

2. V.Jeyalakshmi

... Respondents

PRAYER :-

To call for the records relating to the proceeding in CC.No.99/2021 on the file of the Learned Judicial Magistrate Melur and quash the same as against the petitioner accused.

For Petitioner : M/s.Rajendran M,
Advocate.

For Respondent : Mr.M.Sakthi Kumar for R1
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition is filed to call for the records relating to the proceeding in CC.No.99/2021 on the file of the Learned Judicial Magistrate Melur and quash the same as against the petitioner accused.

2. The learned counsel for the petitioners submitted that the petitioners are accused Nos.1 to 6 in C.C.No.99 of 2021. The second respondent /de-facto complainant is the wife of the first petitioner. Petitioners 2 to 6 are the in-laws of the second respondent. The learned Counsel further pointed out that the marriage between the petitioner and the de facto complainant was held on 8/9/2019 and not more than 10 days, they have lived together. The second respondent is working at Mumbai as a Scientist and the first petitioner is working as an Engineer in a private concern. Based on the bald allegations raised by the de facto complainant in her complaint lodged against the petitioners, the First Information Report in Crime No.23 of 2020 came to be registered by the 1st respondent Police for the offenses under Sections 498(A), 294(b),



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406, 506(ii) of IPC read with Section 4 of Dowry Prohibition Act, later altered to Sections 498(A), 406, 506(2) of IPC and Section 4 of Dowry Prohibition Act. On completion of investigation, the same culminated in laying the charge sheet in C.C.No.99 of 2021 before the learned Judicial Magistrate, Melur for the offences under Sections 498(A), 406, 506(2) of IPC and Section 4 of Dowry Prohibition Act.

3. The case of the prosecution is that on 18.11.2020, when the defacto complainant had proceeded to her shared matrimonial home at Ponthugampatti Village, Vadipatti Taluk, Madurai District, where she was subjected to harassment, assault and life threat. However, for the same, a complaint has been lodged on 24.12.2020. The allegations in the final report, even if taken on face value, do not constitute the ingredients of the offences against which the petitioners are charged. The dispute is a matrimonial dispute which has been given criminal color and the petitioners are falsely implicated without any overt act. Based on sweeping allegations made by the second respondent, the case has been registered against the petitioners and the continuation of the proceedings itself would amount to abuse of process of law and if the same would be



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allowed to continue, it would defeat the ends of justice and hence sought for the indulgence of this Court by quashing the same.

4. The learned Government Advocate(Crl.side) categorically contended that during the marriage dowry articles including 40 sovereigns of gold jewels, Rs.5,00,000/- cash and the Renault KWID Car were given by the parents of the second respondent. The problem had arisen between the first petitioner and the second respondent only because of the attitude of the first petitioner's suspecting nature and the petitioners together have gone to the extent of spreading malicious information about the second respondent so as to outrage the modesty of her and to bring bad name. When the second respondent /defacto complainant visited her shared matrimonial home on 18/11/2020, she found that even the first petitioner had failed to pay the monthly Car dues. Only on enquiry about the same, the petitioners together have subjected the defacto complainant to untold agony by threatening her and harassing her to the extent of even assaulting her. Due to the continuous pestering of the petitioners, the complainant was even compelled to resign her lucrative job. Only under such circumstances, she had finally



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lodge a complaint on 24/12/2020. The same had culminated in laying a final report and sought for dismissal of the quash petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate and carefully perused the materials available on record.

6. The offences for which, the final report has been lodge as against the petitioners are under Section Sections 498(A), 406, 506(2) of IPC and Section 4 of Dowry Prohibition Act. A plain reading of the charge sheet itself would make it clear that the offences for which the petitioners are charged would be clearly made out.

7. The learned counsel for the petitioner submitted that earlier before 18/11/2020, the petitioner and the second respondent had agreed to file a petition for divorce on mutual consent, following which HMOP No. 10 of 2020 was filed before the learned Additional Subordinate Judge, Madurai and the same was dismissed for default. In the aforesaid mutually agreed agreement, the second respondent herself had admitted



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that she would receive 40 sovereign gold jewels, Rs.5,00,000/- cash and a Renault KWID Car. Despite the same after dismissal of HMOP No.10 of 2020, she had made-up her mind to lodge a false complaint against the petitioners on 18/11/2020.

8. However, all these are disputed facts which could be substantiated only by the learned trial court. This court while considering the quash petition, cannot indulge into a roving enquiry. The scope and ambit of the inherent powers of this Court is well settled. The powers under Section 528 of BNSS are to be exercised in the rarest of rare case, to prevent the abuse of process of Court or to secure the ends of justice. At the stage of considering a petition for quashment of a final report this Court is required to examine only whether the allegations made in the charge sheet and the materials accompanying it, prima facie disclose the commission of the offences with which the petitioners are charged. Though the petitioner claimed that all the allegations are sweeping, bald and vague allegations, it is for the trial court to substantiate upon the same during trial, this Court cannot embark upon a meticulous appreciation of evidence or adjudicate upon the veracity of the



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allegations though the learned counsel for the petitioner contends that most of the witnesses are hearsay witnesses. In the case on hand, a perusal of the final report and the material placed before the Court, *prima facie* would reveal the involvement of the petitioners in the alleged occurrence. Hence the contentions raised by the petitioners which relates to factual disputes and differences, cannot be gone at this stage and the matters are to be tested at the time of trial.

9. This Court do not find this case fit, to interfere by in invoking the powers under Section 528 BNSS. Criminal law cannot be scuttled at the threshold merely on the basis of defences projected by the accused. When the prosecution has laid a final report disclosing a *prima facie* case, the accused must necessarily face trial and establish their defence in accordance with law. I do not find any infirmity, illegality or abuse of process warranting interference the impugned final report. The personal appearance of the petitioners 2 to 6 herein before the learned Judicial Magistrate Melur in CC.No.99/2021, is dispensed with.



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10. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petitions are closed.

28.01.2026

NCC : yes / no
Index : yes / no
Internet : yes / no

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To

1. The Judicial Magistrate Melur.
2. The Inspector of Police, All Women Police Station,
Melur, Madurai District. Crime No.23 of 2020.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L. VICTORIA GOWRI, J

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