



Crl.O.P.(MD).No.3690 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.02.2026

CORAM

THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI

**Crl.O.P.(MD).No.3690 of 2024
and Crl.M.P(MD).Nos.2903 and 2904 of 2024**

1.V.Murugaperumal
2.M.Selvi

... Petitioners/ A2 & A3

Vs.

1.State rep., by
The Inspector of Police,
All Women Police Station,
Tirunelveli (Rural)
Tirunelveli.
Crime No.14 of 2022

2.Mariyammal

.. Respondents

PRAYER: This Criminal Original Petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records relating to the proceedings in P.R.C.No.286 of 2023 as against the petitioners/ A2 & A3 on the file of the learned Judicial Magistrate No.III, Tirunelveli and quash the same.

For Petitioners	: Mr.K.Abiya
For R1	: Mr.M.Sakthikumar Government Advocate (Crl.side)
For R2	: Ms.M.Sangeetha for Mr.A.Sivasubramanian

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ORDER

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Seeking quashment of the final report in the P.R.C.No.286 of 2023 on the file of the learned Judicial Magistrate No.III, Tirunelveli, this criminal original petition is filed.

2.The learned counsel for the petitioners submitted that the petitioners are the accused Nos.2 and 3 in the pending P.R.C.No.286 of 2023 before the learned trial Court. The petitioners are the father-in-law and mother-in-law of the defacto complainant, who are in no way connected with any of the matrimonial discord between the defacto complainant and her husband, who is the son of the petitioners herein. The marriage between the defacto complainant and the son of the petitioners was a love marriage and in fact, the petitioners had no role whatsoever in the said marriage. All the matrimonial discord that arose between the defacto complainant and the petitioners' son were exclusively personal between them and the petitioners have not attributed towards the separation between the couple. He also drew my attention to the report issued by the District Social Welfare Officer, wherein the said Officer has given a clean chit, ruling out the possibility of any domestic

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violence or dowry demand on the part of the petitioners as against the defacto complainant, that apart, he also drew my attention to the final report, where the Investigating Officer has clearly stated that except a single incident, which is alleged to have happened on 30.08.2022, when the petitioners called the defacto complainant over phone and had raised a dowry demand, there is no other allegation as against the petitioners herein in the impugned charge sheet.

3.He also drew my attention to the fact that the defacto complainant had failed to provide the phone number, from which the said phone call was received by her, so as to stagnate the investigation, which is conducted by the first respondent and sought for quashment of the impugned final report as far as the petitioners are concerned,

4.Per contra, the learned counsel for the second respondent emphatically submitted that it is a clear case of dowry demand and domestic violence including both emotional and physical abuse. She categorically contended that though the marriage is colored as a love

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marriage, the relationship between the defacto complainant and the petitioners' son had emanated even prior to the registration of the said marriage. Having had a physical relationship with the defacto complainant, later, the petitioners' son refused to marry her. Only when he was recruited in a Government job, more particularly in a Police Force, he was constrained to arrive at a compromise with the defacto complainant and he registered his marriage between him and the defacto complainant on 21.05.2020. However, the petitioners never agreed with the said registration and they in fact wanted to conduct a marriage explicitly by inviting their friends and relatives, which was fixed to be held on 05.09.2022. However, it is contended that at the instance of the petitioners, who demanded additional dowry, the marriage that was planned to be conducted on 05.09.2022 did not take place, as the defacto complainant was unable to meet the dowry demands made by them and only after the complaint lodged by the defacto complainant before the Superintendent of Police, Tirunelveli District and at the instance of police action, later on the same day at 8:00 PM, the said marriage was openly conducted at Vannampacheri Amman temple, according to the Hindu rites and customs of the petitioners' family. Even on the day of the

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marriage, the de facto complainant was subjected to harassment by the second petitioner, who abused her stating that, had her son married another woman, he would have received thousands of sovereigns of jewellery as dowry. As such, she also drew my attention throughout the final report, where several instances of overt act is made out as against the petitioners herein and sought for dismissal of this petition.

5.The learned Government Advocate (crl.side) submitted that clear overt acts are made out as against each of the petitioner and sought for dismissal.

6.Heard the learned counsel on either side and carefully perused the materials available on record.

7.Considering a petition for quashment of a final report, this Court is required to examine only whether the allegations as made out in the charge sheet and the materials accompanying it *prima facie* disclose

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commission of any offence. In the instant case, the offences are under Sections 417, 376 498(A) and 506(ii) IPC and as far as the petitioners are concerned, the offence is only under Sections 498 (A) IPC. This Court cannot embark upon a meticulous appreciation of disputed question of facts and adjudicate about the veracity of the allegations made by either sides.

8. In the case on hand, a perusal of the final report and the materials placed on record would *prima facie* reveal the involvement of the petitioners, which would clearly make out the offence under Section 498(A) IPC. The conditions raised by the petitioners relate to factual disputes/ defences, which cannot be gone into at this stage by this Court and that are matters to be tested during trial. Interference at this stage would amount to conducting a mini trial, which is impermissible in proceedings under Section 482 Cr.P.C., / 528 BNSS. Criminal law cannot be scuttled out at the threshold merely on the basis of the 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

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establish their defence in accordance with law. Accordingly, this Court does not find any infirmity, illegality or perversity warranting interference with the impugned final report.

9.In result, this Criminal Original Petition is dismissed. Consequently, connected Crl.M.P(MD).No.2903 of 2024 is closed.

10.However, considering the facts and circumstances, the personal appearance of the petitioners before the learned Trial Court is ordered to be dispensed with, on conditions that they shall appear at the time of initial questioning, proceedings under Section 313 Cr.P.C., / 351 BNSS, and at the time of passing judgment and on all the hearings, specifically directed by the learned Trial Court.

11.The petitioners shall appear before the Court in the event their presence is insisted by the learned Trial Judge for the purpose of identification. If the petitioners adopt any dilatory tactics, it is open to the learned Trial Court to insist for their appearance and deal with the

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petitioners in accordance with the law laid down by the Hon'ble Supreme Court of India, in the case of ***State of UP vs. Shambunath Singh***¹.

Accordingly, Crl.M.P(MD).No.2904 of 2024 is ordered.

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NCC : Yes/No
Index : Yes / No
Rmk

To

1.The Judicial Magistrate No.III, Tirunelveli.

2.The Inspector of Police,
All Women Police Station,
Tirunelveli (Rural)
Tirunelveli.

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

¹ 2001 (4) SCC 667

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L.VICTORIA GOWRI,J.,

Rmk

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