



Crl.OP(MD)No.13192 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

**CRL OP(MD). No.13192 of 2024
and
CRL MP(MD). No.8104 of 2024**

1. Susilamary

2. Prema

3. Ananda Raj

... Petitioners

Vs

1.State, Rep. by The Inspector of Police,
Ambadurai Police Station,
Dindigul District.
Crime No.160 of 2024.

2. Catherinsurya

... Respondents

PRAYER :- Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records of the impugned FIR in Crime No. 160 of 2024 on the file of the 1st respondent police and quash the same as illegal.

For Petitioner : Mr.C.Anand

For R-1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)



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ORDER

Preface:

This Criminal Original Petition has been filed invoking the inherent powers of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to quash the First Information Report in Crime No.160 of 2024 on the file of the first respondent police.

2. The petitioners, who are the in-laws of the second respondent/*defacto* complainant, seek quashment of the FIR on the ground that the dispute between the parties is purely matrimonial in nature and has been given a criminal colour with an ulterior motive.

Case of the prosecution:

3. The case of the prosecution, as could be seen from the contents of the FIR, is that the second respondent was married to one Arockiadas, who is the son of the first petitioner. Due to matrimonial discord, the couple separated and a maintenance proceeding is pending between them.



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4. It is alleged that on 10.07.2024, the petitioners along with three women advocates visited the residence of the *defacto* complainant and demanded that she withdraw the maintenance case filed against her husband. It is further alleged that during the said occurrence, the petitioners abused the *defacto* complainant and her family members in filthy language and criminally intimidated them by brandishing a knife.

5. Based on the said complaint, the first respondent police registered a case in Crime No.160 of 2024 for the offences under Sections 191(2), 329(4), 296(b) and 351(3) of BNS, 2023.

Grounds for quash:

6. The learned counsel for the petitioners contended that the FIR is nothing but a counterblast to the matrimonial dispute between the parties. It is further submitted that the allegations in the complaint are false, exaggerated and inherently improbable. The petitioners had only gone to the residence of the *defacto* complainant upon being called by her father through legal counsel for the purpose of settlement.



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7. The learned counsel would further submit that there was an unexplained delay in lodging the complaint, which creates serious doubt about the veracity of the allegations. It is also contended that the dispute between the parties is purely civil in nature arising out of matrimonial discord, and the criminal proceedings have been initiated with a mala fide intention to harass the petitioners.

8. The learned counsel also placed reliance upon the celebrated judgment of the Hon'ble Supreme Court in ***State of Haryana Vs. Bhajan Lal***¹, to contend that the present case falls within the categories warranting quashment of FIR.

Arguments on either side:

9. The learned counsel appearing for the petitioners reiterated that the entire complaint is a product of matrimonial animosity and does not disclose any *prima facie* case for the alleged offences. It is further submitted that the ingredients of the offences alleged are not made out even if the allegations are taken at face value.

¹ (1992 AIR 604)



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10. Per contra, the learned Government Advocate (Criminal Side) appearing for the first respondent submitted that the FIR discloses cognizable offences and that the investigation is at a nascent stage. It is further contended that this Court, at the stage of FIR, should not interfere and stifle a legitimate prosecution.

Point for consideration:

11. The point that arises for consideration in this Criminal Original Petition is whether the allegations made in the FIR in Crime No.160 of 2024 constitute a *prima facie* case for proceeding against the petitioners, or whether the same is liable to be quashed in exercise of the inherent powers of this Court?

Analysis:

12. This Court has carefully considered the submissions made on either side and perused the materials available on record.

13. It is not in dispute that the dispute between the parties arises out of a matrimonial relationship. The *defacto* complainant is the daughter-in-law of the petitioners and the matrimonial



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relationship between her and her husband has admittedly broken down.

14. The allegations in the FIR pertain to an incident where the petitioners are said to have visited the residence of the *defacto* complainant and demanded withdrawal of the maintenance case. A careful reading of the complaint would indicate that the allegations are general in nature and lack specific particulars as to the overt acts attributed to each of the petitioners.

15. Further, the presence of three women advocates along with the petitioners probalises the contention of the petitioners that the visit was in connection with a settlement attempt rather than with any criminal intent. The delay in lodging the complaint, though not fatal in all cases, assumes significance in the facts of the present case, particularly when the dispute is admittedly matrimonial.

16. It is also to be noted that parallel proceedings in the form of maintenance case and divorce proceedings are pending between



the parties, which further indicates that the present criminal proceedings may have been initiated as a pressure tactic.

17. The Hon'ble Supreme Court in ***State of Haryana Vs. Bhajan Lal***² has laid down the categories of cases where the Hon'ble High Court may exercise its inherent jurisdiction to quash criminal proceedings.

18. In the considered view of this Court, the present case falls within the category where the criminal proceedings appear to be manifestly attended with mala fide and instituted with an ulterior motive arising out of personal and matrimonial disputes. Allowing the criminal proceedings to continue in such circumstances would amount to abuse of process of law.

19. In view of the foregoing discussion, this Court is of the considered opinion that the continuation of the proceedings in Crime No.160 of 2024 against the petitioners would be an abuse of process of law and the same is liable to be quashed.

² (1992 AIR 604)



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20. Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No.160 of 2024 on the file of the first respondent police is hereby quashed as against the petitioners. Consequently, the connected Criminal Miscellaneous Petition is closed.

28.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

1. The Inspector of Police,
Ambadurai Police Station,
Dindigul District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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