



Crl.OP(MD)No.2451 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 27.02.2026

PRONOUNCED ON : 01.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.2451 of 2024

and

Crl.M.P.(MD)Nos.1894 and 1895 of 2024

1.S.Sathish Kumar

2. S.Selvi

3. M.Sathya

4. R.Sasiprabha

5. A.Murugan

6. S.Ramachandran

7. E.Subbiah

8. K.Jothi

... Petitioners/Accused No.1
to 7 & 10

Vs.

1. The State of Tamil Nadu,
Rep . by the Sub Inspector of Police,
All Women Police Station,
Bodinayakanoor,
Theni District.
Crime No.4/2023

.... 1st Respondent / Complainant



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2. Sivasankari

... Respondent /
De-facto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in connection with the impugned Charge Sheet in CC.No.331 of 2023 pending on the file of learned Judicial Magistrate Court, Bodinayakkanur and quash the same in so far as the Petitioners are concerned.

For Petitioners : Mr.K.Gurunathan
For R-1 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. side)
For R-2 : Mr.S.Sundarapandian

ORDER

Prologue:

Matrimonial prosecutions often present before the Court a difficult intersection between the legitimate cry of an aggrieved wife and the equally serious possibility of over-implication of every person standing within the relational circumference of the husband. The inherent jurisdiction of this Court is not intended either to conduct a mini trial or to stifle a genuine prosecution at its threshold. Equally, it is a constitutional safety valve against compelling persons to face the rigour of criminal trial when the allegations, even if accepted as



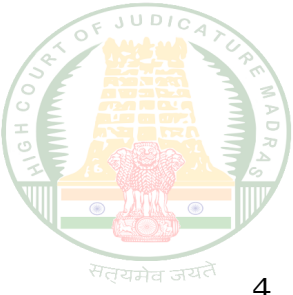
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they stand, do not disclose the necessary ingredients of the offences alleged against them.

2. The present petition is one such case where the first petitioner/husband stands on a footing different from the other petitioners, who are his relatives and alleged supporters. The Court is therefore called upon to draw a careful distinction between the principal matrimonial allegations made against the husband and the sweeping, omnibus allegations made against the other family members and relatives.

Case of the Prosecution:

3. The petitioners herein are arrayed as Accused Nos.1 to 7 and 10 in C.C.No.331 of 2023 on the file of the learned Judicial Magistrate Court, Bodinayakanur. The first respondent police registered a case in Crime No.4 of 2023 on the complaint of the second respondent/ *de facto* complainant dated 30.01.2023.



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4. After investigation, the first respondent filed the final report before the learned Judicial Magistrate, Bodinayakanur, on 22.12.2023. The final report alleges offences under Sections 498-A, 294(b), 323, 324 and 506(ii) IPC against the first petitioner/husband and under Section 498-A IPC against petitioners 2 to 7 and 10.

5. The marriage between the first petitioner and the second respondent was solemnised on 29.06.2015. Out of the wedlock, a male child was born on 30.07.2016. The prosecution case is that the first petitioner ill-treated the *de facto* complainant and that his relatives supported him in such conduct. It is further alleged that the first petitioner had developed illegal intimacy with the eighth accused and that, on her instigation, the first petitioner assaulted and abused the *de facto* complainant on 08.11.2022 and seized her mobile phone. It is further alleged that on 11.11.2022, the first petitioner again assaulted the *de facto* complainant demanding the password of her phone. On these allegations, the complaint was lodged on 30.01.2023 and the case came to be registered.



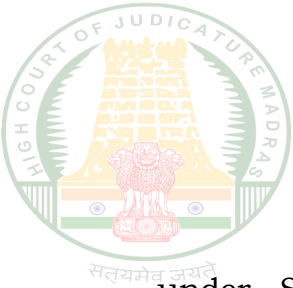
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Grounds raised for quash:

6. The petitioners seek quashment of the proceedings primarily on the ground that the allegations are born out of matrimonial discord and do not disclose the ingredients of the offences alleged. It is contended that the *de facto* complainant never lived in the joint family of the first petitioner and that, within three days of marriage, the first petitioner and the *de facto* complainant started their matrimonial life separately at Tiruppur and thereafter in police quarters at Bodinayakanur. It is further contended that petitioners 2 to 7 and 10 were living separately and had no role in the alleged matrimonial dispute. According to the petitioners, the allegations against them are vague, general and omnibus in nature.

7. The petitioners further contend that there is an unexplained delay of nearly 80 days in lodging the complaint with respect to the alleged occurrence dated 08.11.2022. It is also contended that no medical records or material objects are available to sustain the offences under Sections 323 and 324 IPC and that the offences



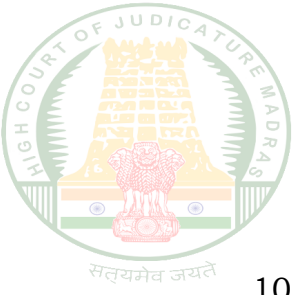
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under Sections 294(b) and 506(ii) IPC are not supported by independent witnesses.

8. The petitioners would submit that the *de facto* complainant had earlier quarrelled with the eighth and ninth accused and that the ninth accused had given a complaint on 14.12.2022, which was assigned C.S.R.No.773 of 2022. According to the petitioners, the present complaint is a counterblast and has been given to wreak vengeance.

Arguments on either side:

9. The learned counsel for the petitioners submitted that the entire prosecution is an abuse of process of law. He would submit that the complaint is the result of ordinary wear and tear of matrimonial life, which has been given a criminal colour. The learned counsel further submitted that the first petitioner is a police constable and that the *de facto* complainant used to interfere with his official duties and suspect him whenever he spoke to his colleagues or parties in connection with his work.

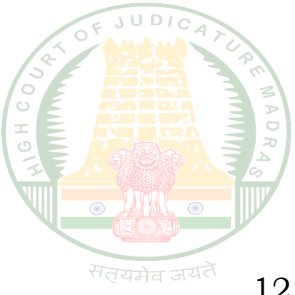


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10. It is further submitted that the *de facto* complainant insisted that the first petitioner should hand over his entire salary to her and should not spend any amount for his parents or sisters. It is also submitted that the *de facto* complainant compelled the first petitioner to reside with her parents and refused to reside with his family. The learned counsel submitted that petitioners 2 to 7 and 10 have been roped in only because they are relatives of the first petitioner. There are no specific overt acts, no date-wise allegations, no particulars of cruelty and no material to show their participation in any alleged offence.

11. The learned counsel would further submit that the allegations under Section 498-A IPC against the relatives are wholly bald. The prosecution materials do not indicate any wilful conduct of such a nature as is likely to drive the *de facto* complainant to commit suicide or to cause grave injury or danger to life, limb or health. Nor is there any allegation of unlawful demand.



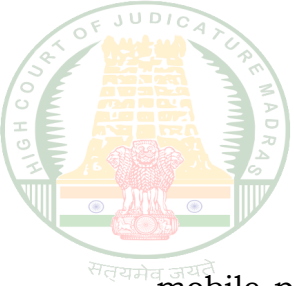
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12. As regards Sections 323 and 324 IPC, the learned counsel submitted that the *de facto* complainant herself has stated that she took country treatment and that there is no medical record to support the alleged assault. It is therefore contended that the final report is bereft of legal foundation.

13. With regard to Sections 294(b) and 506(ii) IPC, the learned counsel submitted that there are no independent witnesses to establish obscene utterances in a public place or criminal intimidation attracting the aggravated form under Section 506(ii) IPC.

14. Per contra, the learned Government Advocate (Criminal Side) appearing for the first respondent submitted that the final report has been filed after investigation and that the truth or otherwise of the allegations cannot be gone into in a petition under Section 482 Cr.P.C. The learned Government Advocate submitted that the allegations against the first petitioner are specific. The complaint contains allegations of cruelty, abuse, assault, seizure of

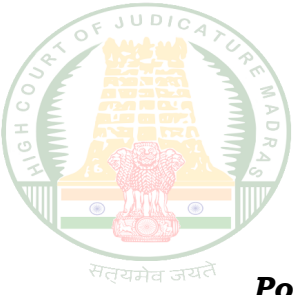


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mobile phone, demand for password and intimidation. Therefore, at least against the first petitioner, the matter must necessarily go to trial.

15. The learned counsel appearing for the second respondent/*de facto* complainant submitted that the complaint cannot be viewed in isolation and that matrimonial cruelty often takes place within the private sphere of the matrimonial home. Merely because there are no independent witnesses, the prosecution cannot be quashed at the threshold. It is further submitted that the delay in lodging the complaint is not fatal in matrimonial offences, since the victim would naturally attempt reconciliation before approaching the police. Therefore, the respondents prayed for dismissal of the petition.

16. Heard the learned counsels on either side and carefully perused the materials available on record.



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Point for Consideration:

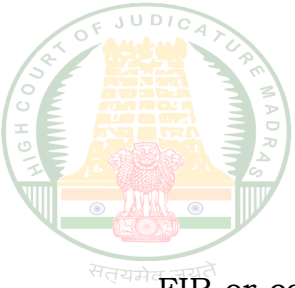
17. The point that arises for consideration is whether the final report in C.C.No.331 of 2023, pending on the file of the learned Judicial Magistrate Court, Bodinayakanur, is liable to be quashed insofar as the petitioners/Accused Nos.1 to 7 and 10 are concerned, either wholly or partly?

Governing Legal Principles:

18. The power under Section 482 Cr.P.C. is extraordinary in nature. It is intended to prevent abuse of process of Court and to secure the ends of justice. However, such power must be exercised sparingly, with circumspection and only in cases where continuation of prosecution would amount to manifest injustice.

19. In **State of Haryana v. Bhajan Lal**¹, the Hon'ble Supreme Court illustratively laid down categories where criminal proceedings may be quashed. One such category is where the allegations in the

¹ 1992 Supp(1) SCC 335

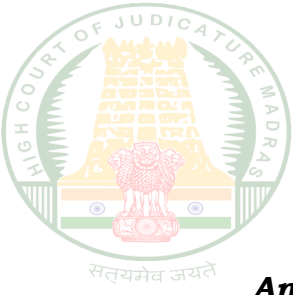


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FIR or complaint, even if taken at their face value, do not constitute any offence against the accused.

20. In matrimonial cases, the Hon'ble Supreme Court has repeatedly cautioned that relatives of the husband should not be compelled to face criminal trial on the basis of vague, omnibus and sweeping allegations. At the same time, where specific allegations are available against the husband or any particular accused, the Court must be slow to interdict the prosecution at the threshold.

21. In a final-report quash matter, the Court is entitled to look not merely at the FIR but also at the final report and the materials collected during investigation. The Court does not weigh the probative value of such materials, but it can certainly examine whether the basic ingredients of the alleged offences are disclosed.

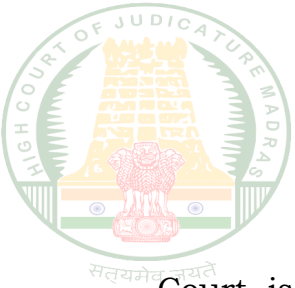


Analysis:

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22. The first petitioner is the husband of the *de facto* complainant. The allegations against him are not confined to a mere general statement that he ill-treated the *de facto* complainant. The complaint refers to specific incidents dated 08.11.2022 and 11.11.2022. It is alleged that on 08.11.2022, the first petitioner assaulted and abused the *de facto* complainant and seized her phone. It is further alleged that on 11.11.2022, he again assaulted her demanding the password of the phone. Whether these allegations are true or exaggerated is not a matter which can be adjudicated in this petition. The defence of the first petitioner that the *de facto* complainant is suspicious, dominating and uninterested in matrimonial life is a matter of evidence.

23. The contention that the *de facto* complainant did not reside with the first petitioner's relatives may be relevant to the case of the other accused. However, insofar as the husband is concerned, the matrimonial relationship, the alleged incidents, the alleged assault and the alleged cruelty are matters requiring trial. Therefore, this



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Court is not inclined to quash the proceedings against the first petitioner at the threshold.

24. Section 498-A IPC punishes cruelty by the husband or relative of the husband. Cruelty, for the purpose of the provision, must satisfy the statutory explanation. It must either be wilful conduct of such a nature as is likely to drive the woman to commit suicide or cause grave injury or danger to life, limb or health, whether mental or physical, or harassment with a view to coercing her or her relatives to meet any unlawful demand.

25. Insofar as the first petitioner is concerned, the allegations relate to matrimonial cruelty, assault, abuse and conduct within the matrimonial relationship. Whether the statutory threshold is ultimately proved is a matter for trial. However, insofar as petitioners 2 to 7 and 10 are concerned, the allegations are materially different. The substance of the allegation against them is that they supported the first petitioner. There are no specific particulars as to when,



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where and how each of them subjected the *de facto* complainant to cruelty.

26. The final report does not disclose any clear, individual overt act against petitioners 2 to 7 and 10. There is no specific allegation of unlawful demand. There is also no specific allegation that any of them committed any wilful act satisfying the statutory meaning of cruelty under Section 498-A IPC.

27. The mere use of expressions such as “supported him” or “in-laws caused mental cruelty” cannot by itself constitute an offence under Section 498-A IPC. Criminal prosecution cannot be allowed to proceed on the basis of relationship alone. Therefore, the proceedings under Section 498-A IPC deserve to be quashed insofar as petitioners 2 to 7 and 10 are concerned.

28. The offences under Sections 323 and 324 IPC are alleged only against the first petitioner. Section 323 IPC deals with



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voluntarily causing hurt. Section 324 IPC deals with voluntarily causing hurt by dangerous weapons or means. The petitioners contend that there is no medical evidence and that the *de facto* complainant allegedly took country treatment. The absence of medical evidence may be a relevant factor at trial, but it cannot, by itself, be a ground to quash the proceedings against the first petitioner when the *de facto* complainant has made a direct allegation of assault.

29. However, if the final report does not disclose the weapon or dangerous means allegedly used for the purpose of Section 324 IPC, the learned Trial Court shall consider the same at the appropriate stage, uninfluenced by any observation made in this order. At this stage, the allegations of physical assault against the first petitioner cannot be brushed aside in exercise of inherent jurisdiction.

30. Section 294(b) IPC requires obscene words to be uttered in or near a public place, causing annoyance to others. A mere abusive expression, without satisfying the statutory requirement of obscenity

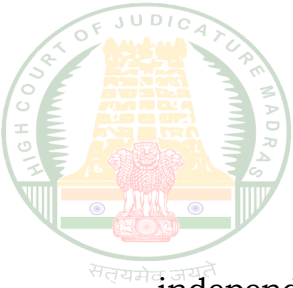


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and public annoyance, would not attract Section 294(b) IPC. In the present case, the allegation under Section 294(b) IPC is directed against the first petitioner. The sufficiency of evidence regarding the place of occurrence, the words allegedly uttered and the presence of persons annoyed thereby are matters which may be tested before the Trial Court.

31. Since the principal allegations against the first petitioner survive, this Court is not inclined to dissect the prosecution at this stage by quashing Section 294(b) IPC alone. However, the first petitioner is at liberty to raise all legal contentions before the Trial Court at the appropriate stage.

32. Section 506(ii) IPC deals with criminal intimidation of an aggravated nature. The threat must be of such seriousness as to cause alarm and must fall within the aggravated category contemplated by the provision. The petitioners contend that the allegation of criminal intimidation is bald and unsupported by

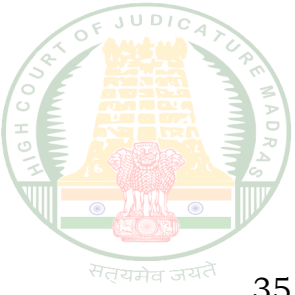


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independent witnesses. Whether the threat was actually made and whether it was sufficient to cause alarm are matters of evidence.

33. As the allegation is against the first petitioner/husband in the course of the alleged matrimonial incidents, this Court is not inclined to quash the said offence at the threshold. However, the Trial Court shall independently assess whether the ingredients of Section 506(ii) IPC are made out, without being influenced by the pendency of the charge sheet.

34. The alleged incidents are stated to have occurred on 08.11.2022 and 11.11.2022. The complaint was lodged on 30.01.2023. The petitioners contend that there is a delay of nearly 80 days. In matrimonial disputes, delay cannot always be viewed with the same strictness as in other offences. A woman in a matrimonial relationship may attempt reconciliation before approaching the police. Therefore, delay by itself cannot be a ground to quash the prosecution against the husband.



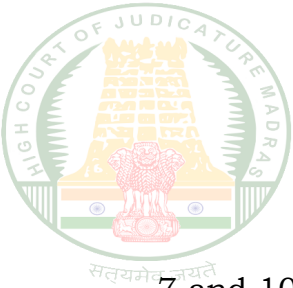
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35. However, delay assumes some significance while assessing the allegations against distant or separately living relatives, particularly when the allegations against them are general and omnibus. In the present case, the delay, coupled with absence of specific overt acts against petitioners 2 to 7 and 10, strengthens the case for quashment insofar as they are concerned.

36. The materials placed before this Court indicate that the first petitioner and the *de facto* complainant were living separately in police quarters and not as part of a joint family with petitioners 2 to 7 and 10. The *de facto* complainant's grievance appears to be principally directed against the first petitioner/husband. The allegations against the other petitioners are not supported by clear particulars. They appear to have been included on the general premise that they supported the first petitioner.

37. Criminal law cannot be set in motion against every relative of the husband merely because matrimonial discord exists between the spouses. The continuation of prosecution against petitioners 2 to

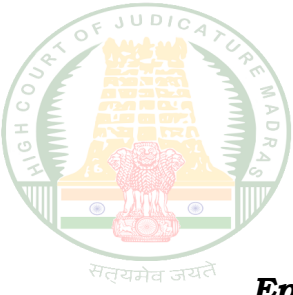


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7 and 10 would amount to forcing them to undergo the ordeal of trial without the minimum foundational allegations required in law.

38. This Court is therefore of the considered view that the prosecution against petitioners 2 to 7 and 10 is an abuse of process of Court and deserves to be quashed. On a careful reading of the FIR, final report and the allegations taken at their face value, this Court finds that the case against the first petitioner/husband cannot be quashed at this stage. The allegations against him require trial.

39. However, insofar as petitioners 2 to 7 and 10 are concerned, the allegations are vague, omnibus and bereft of specific particulars. The essential ingredients of Section 498-A IPC are not made out against them. Their continuation as accused in the criminal prosecution would amount to abuse of process of law.



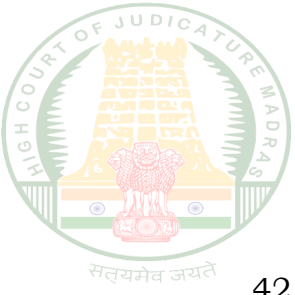
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Epilogue:

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40. The criminal process must remain a shield for the genuinely aggrieved and not become a sword for collateral vengeance. Matrimonial discord, when translated into criminal prosecution, must be examined with judicial sensitivity. The Court must ensure that the grievance of the wife is not silenced at the threshold when it discloses a triable case. At the same time, the Court must also ensure that relatives, whose alleged role is only described in sweeping and ornamental language, are not condemned to the long corridor of criminal trial merely because of their relationship with the husband.

41. In the case on hand, the allegations against the first petitioner have sufficient factual foundation to proceed to trial. But the allegations against petitioners 2 to 7 and 10 are too general to sustain criminal prosecution. Justice, therefore, lies in separating the grain from the chaff.



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42. In the result, this Criminal Original Petition is **partly allowed**. The proceedings in C.C.No.331 of 2023, pending on the file of the learned Judicial Magistrate Court, Bodinayakanur, are **quashed insofar as petitioners 2 to 7 and 10 / Accused Nos.2 to 7 and 10 alone are concerned**.

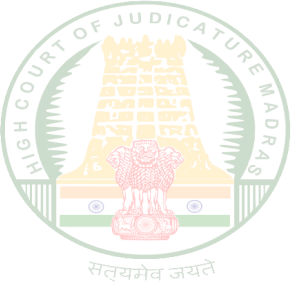
43. The Criminal Original Petition stands **dismissed insofar as the first petitioner / Accused No.1 is concerned**. The learned Judicial Magistrate Court, Bodinayakanur, shall proceed with the trial against the first petitioner in accordance with law.

44. It is made clear that the observations made in this order are only for the purpose of deciding this petition under Section 482 Cr.P.C. and the Trial Court shall decide the case against the first petitioner independently, on the basis of evidence, uninfluenced by any observation contained herein. Consequently, connected miscellaneous petitions are closed.

01.06.2026

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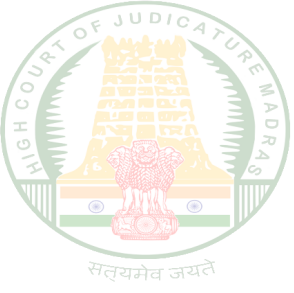
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To

- 1.The Judicial Magistrate Court,
Bodinayakkanur.
- 2.The Sub Inspector of Police,
All Women Police Station,
Bodinayakanoor,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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