

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2024

(@ SPECIAL LEAVE PETITION(CRIMINAL)NO. 11333 OF 2024)

RAGHUL DINESH & ORS.

APPELLANT(S)

VERSUS

THE SUB INSPECTOR OF POLICE & ANR.

RESPONDENT(S)

O R D E R

1. Delay condoned.

2. Leave granted.

3. This appeal by special leave is directed against the order dated 29.05.2020 passed by the High Court of Judicature at Madras, in Criminal O.P.No.8003 of 2020.

4. Heard learned counsel appearing for the appellants and learned counsel appearing for the respondent-State.

5. Despite being served, the second respondent has chosen not to appear and contest the matter.

6. At the instance of the second respondent, who is the wife of the first appellant, FIR No 9/2019 dated 05.08.2019 at P.S. AWPS-Pollachi, alleging commission of offences under Section 498A of the Indian Penal Code, 1860 (for short 'IPC') was registered against the appellants. After completion of the

investigation, on 02.08.2019, chargesheet bearing no. 603 of 2019 was filed before the Judicial Magistrate-1, Pollachi, District Coimbatore, for commission of offence under Section 498A of the IPC, against the appellants.

7. The appellants filed Criminal O.P.No.8003/2020 seeking quashment of the said chargesheet and all further proceedings therefrom, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.PC'). Holding that *prima facie*, materials are there to frame charges against the appellants, the High Court declined to exercise the power under Section 482 of the Cr.P.C. and dismissed the said petition. Hence, the captioned appeal.

8. We have carefully gone through the chargesheet filed against the appellants, the quashment of which is sought for in Criminal O.P.No.8003/2020, produced as 'Annexure P-3' in this proceeding.

9. In the decision in *Umesh Kumar v. State of Andhra Pradesh*, [(2013) 10 SCC 591] this Court held that a petition under Section 482, Cr.PC could be filed for quashing the final report filed under Section 173(2), Cr.PC, even before framing of charges by the Court. Furthermore, it was held that rejecting an application could not be rejected merely on the ground that the accused could argue legal and factual issues

at the time of framing of the charges. In the said circumstances, the reasoning of the High Court to close CrI. M.P. No. 4022 of 2022 and partly rejecting CrI. M.P. No. 4023 of 2020 cannot be sustained. In other words, in view of the nature of the FIR and the final report (Annexure- P3) the High Court ought to have considered the merits of the contentions raised to support the prayer for quashing the final report (the chargesheet) and all further proceedings pursuant thereto.

10. Appellant No.1 is the husband of respondent No.1/complainant and appellant Nos.2 and 3 are respectively the mother and maternal uncle of the first appellant. The marriage between appellant No.1 and respondent No.2 was solemnized on 17.08.2018. The final report in FIR No.9/2019, dated 25.08.2019, to the extent it carries the accusation against the appellants read thus: -

"1st Respondent is the husband of the 1st witness, 2nd Respondent is the mother-in-law of the 1st witness, 3rd Respondent is the 1st witness's husband relative. The 1st Respondent and 1st Witness got married on 17.08.2018. after the marriage witness 1 and the 1st and 2nd Respondent have been living together in the house since a few days after the marriage of the witness, the 1st Respondent has been drinking every day, talking inappropriate words, sending text messages on the phone all the night and not sleeping and forcing her to behave like the girls in the photos. And when the 1st witness told the 1st respondent about the actions of the 3rd respondent, he

ignored it and the told the 1st witness that if the 1,2,3 respondents together do not listen to them, then we will marry another woman to 1st Respondent and tell you about the appearance of the witness. The 2nd Respondent made the 1st witness to eat stale food every day and harassed the 3rd Respondent by telling the 2nd Respondent to old food every day and disturb the 1st witness mentally and physically. The Respondents 1,2,3 became accused U/S 498(A) IPC for the offences of harassment. Hence the impact of the indictment.

11. In the decision in *Dhanlakshmi v. R. Prasanna Kumar* [AIR 1990 SC 494] this Court held that to prevent abuse of process of court, High Court in exercise of its inherent powers under Section 482, Cr.PC could quash the proceedings but there would be justification for interference only when the complaint did not disclose any offence or was frivolous, vexations or oppressive. This exposition has been followed scrupulously by this Court.

12. In the light of the decision in *Dhanlakshmi's* case (*supra*) we will have to consider the question whether Annexure-P3 final report carrying the aforesaid accusation is worthy to form basis for making the petitioners to stand the trial or in other words, whether the disinclination of the High Court to quash Annexure-P3 and all further proceedings is sustainable or not. A scanning of Annexure-P3 would reveal the vagueness in the accusation and allowing proceedings based on it to continue would be an abuse of process of the court. There is absolute absence of specific allegations with necessary

details against the appellants and the allegations are general and too vague.

13. In the said circumstances, we feel that this is eminently fit case where the High Court ought to have exercised the power under Section 482 of the Cr.PC to terminate the proceedings in the interest of justice.

14. In that view of the matter, we allow this appeal and set aside the order dated 29.05.2020 passed by the High Court of Judicature at Madras in Criminal O.P. No. 8003 of 2023. Consequently, invoking inherent power of this Court, the chargesheet in C.C. No.603 of 2019 filed before the learned Judicial Magistrate-1, Pollachi, District Coimbatore and all other further proceedings in C.C. No.603 of 2019 stand quashed and set aside.

15. The appeal stands allowed, with the above terms.

16. Pending application(s), if any, shall stand disposed of.

....., J.
(C.T. RAVIKUMAR)

....., J.
(SANJAY KAROL)

NEW DELHI;
OCTOBER 21, 2024.

ITEM NO.39

COURT NO.11

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 11333/2024

(Arising out of impugned final judgment and order dated 29-05-2020 in CRLP No. 8003/2020 passed by the High Court Of Judicature At Madras)

RAGHUL DINESH & ORS.

PETITIONER(S)

VERSUS

THE SUB INSPECTOR OF POLICE & ANR.

RESPONDENT(S)

(IA No. 27871/2024 - CONDONATION OF DELAY IN FILING; IA No. 148335/2024 - SUBSTITUTED SERVICE)

Date : 21-10-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE C.T. RAVIKUMAR
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Rajaselvan. R. Adv.
Mr. Karun Sharma, Adv.
Mr. Aditya Singh-1, AOR

For Respondent(s) Mr. D.kumanan, AOR
Ms. Deepa S, Adv.
Mr. Sheikh F Kalia, Adv.
Mr. Chinmay Anand Panigrahi, Adv.
Mr. Veshal Tyagi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

The appeal stands allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(VARSHA MENDIRATTA)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)

(Signed order is placed on the file)