



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 1569 of 2026

Arvenkumar, S/o Mani,
D.No.70, Thirukazhukundram Road,
Mamallapuram, Thirukazhukundram Taluk,
Chengalpattu.

..Petitioner(s)

Vs

1. The State Rep By, The Inspector of Police
AWPS Mamallapuram, Chengalpattu District.
Crime NO.6 of 2023.

2. Geethanjali, D/o Ragupathy,
Gandhi Street,
Veerapuram Village,
Chengalpattu.

..Respondent(s)

Prayer : Criminal Original Petition filed under section 528 of BNSS to call for the records and quash the proceedings as against the petitioner in Crime NO.06 of 2023 pending on the file of the 1st respondent and pass such further or other orders.

For Petitioner(s): Mr.M.R.Elavarasan

For Respondent(s): Mr.M.Dinesh,
Government Advocate [Crl, Side]



ORDER

WEB COPY This Criminal Original Petition has been filed to quash the First Information Report registered in Crime No.06 of 2023 registered for the offences under sections 417, 498[A], 506[1] of IPC pending on the file of the first respondent.

2. The case of the prosecution is that the defacto complainant was the wife of the petitioner and she was in love with the petitioner and was in relationship with him under the promise of marriage. But the petitioner avoided her for some time and she made a complaint before the DGP on 24.12.2022 and the same was forwarded to the Mahabalipuram Police Station and on 04.02.2023, the defacto complainant appeared with her parents but the petitioner appeared with one lawyer and gave a letter that he will marry her within 6 months, but did not married the second respondent. Further, the petitioner has threatened the second respondent stating that the letters given by her would be invalid and illegal and not binding upon him. But upon the promise of the petitioner, she made all arrangements for marriage and the petitioner refused to give his documents for registration of marriage. The petitioner avoided marriage and therefore, the second respondent attempted for suicide twice. Thereafter, she had informed the petitioner about the marriage fixed on 07.06.2023. However, the petitioner had not turned up. Therefore,



once again on 05.06.2023, she approached the DGP as well as IG for filing complaint and on 07.06.2023, the respondent police called her to come to police station and when she went to the police station along with her parents, the petitioner came with one lawyer at 12.30.hrs and they got married on 07.06.2023 at “Kadambadi Chinna Amman Temple” and she had withdrawn the said complaint as per the advice of the police. But the petitioner had not co-operated and refused to live with the second respondent. Hence, the present case has been registered against the petitioner.

3. A perusal of records reveal that that the petitioner had already filed a petition for divorce and the same was allowed as early as on 05.11.2025 in H.M.O.P.No.311 of 2024 by the Judge, Family Court, Dharmapuri. In fact, the divorce petition was originally filed before Principal Sub Court Chengalpet in HMOP.No.88 of 2023. Thereafter, the second respondent had filed a petition to transfer the proceedings from the Principal Sub Court Chengalpet to Family Court, Dharmapuri in Tr.C.M.P.No.48 of 2024 and the said petition was allowed and the HMOP has been transferred to the Family Court, Dharmapuri and re-numbered as HMOP.No.311 of 2024. Thereafter, since the second respondent failed to appear before the Family Court, Dharmapuri, she was set exparte and the judgment was passed on 05.11.2025. The second respondent never lived with the petitioner. According to the second respondent, she got married with the petitioner on 07.06.2023 and thereafter, she lived separately.



She had lodged the complaint for reunion with the petitioner. Thereafter, in the presence of the police personnel, the marriage was performed between the petitioner and the second respondent. Even assuming that there was a love affair between the petitioner and the second respondent and he refused to marry the second respondent, no offence is made out against the petitioner attracting offence under section 498[A] of IPC

4. It is relevant to extract Section 498[A] IPC which reads as follows :

“498A. Husband or relative of husband of a woman subjecting her to cruelty — Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation —For the purpose of this section, "cruelty" means—

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

Thus it is clear that a bare perusal of the above provision shows that it is only application if a married women is subjected to cruelty by her husband or his relative, which is wilful conduct of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman. A perusal of the entire complaint



clearly shows that the petitioner had not done any wilful conduct or wilful act of cruelty to the second respondent in order to attract the offence under section 498[A] IPC. Therefore, the complaint itself has been filed with an oblique motive.

5. So far as section 417 of IPC is concerned, it is not the case of the prosecution that on the pretext of marriage, the petitioner had committed any offence of cheating. Even according to the second respondent, the petitioner and the second respondent fell in love and the petitioner failed to marry the second respondent. Thereafter, the petitioner agreed to marry the second respondent and thereafter, the petitioner married the second respondent. Hence, the offence under section 417 of IPC is also not attracted as against the petitioner.

6. It is relevant to note that when the divorce petition filed by the petitioner in HMOP.No.311 of 2024 was pending before the Principal Sub Court, Chengalpet, she had filed a petition to transfer the proceedings to the Family Court, Dharmapuri and the said petition has been allowed. Even after the petition filed by the petitioner for divorce was transferred to Family Court, Dharmapuri, as the second respondent has not appeared before the Court, she was set exparte in the divorce petition filed by the petitioner. Therefore, the



offence under section 417 is not at all attracted as against the petitioner. In so far as 506[i] of IPC is concerned, there must be mensrea at the time of making threat and in the absence of any mensrea, mere out burst is not sufficient to attract the offence under section 506[i] of IPC.

7. In in view of the above discussions, the entire proceedings in First Information report registered in Crime No.06 of 2023 is nothing but clear abuse of process of law and it cannot be sustained.

8. Accordingly, this Criminal Original Petition is allowed and the First Information Report registered in Crime No.06 of 2023 pending on the file of the first respondent is hereby quashed. Consequently connected miscellaneous petition is closed

13-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

vrc

To

1. The Inspector of Police
AWPS Mamallapuram,
Chengalpattu District.

2. The Public Prosecutor,



High Court, Madras.

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G.K.ILANTHIRAIYAN, J.

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