



WEB COPY

CRL OP(MD). No.13714 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

CRL OP(MD). No.13714 of 2014

and

MP(MD). Nos.1 and 2 of 2014

1.V.Arjunan
2.A.Uma Kumarai
3.Rajammal
4.Cellamal
5.Banumathi
6.Sornam

... Petitioner/Accused No.1,2,3,4,6,7

Vs

C.Seethalakshmi

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the C.C.No.363 of 2014, on the file of the Judicial Magistrate Court of Srivaikundam and quash the same.

For Petitioners : Mr.T.Lajapathi Roy

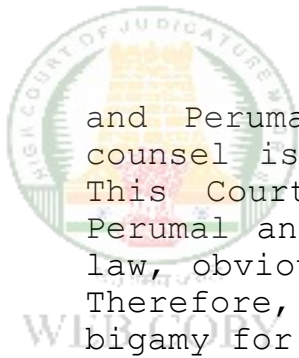
For Respondent : Mr.P.Ramasamy

ORDER

The petitioners herein are facing trial in C.C.No.363 of 2014, on the file of the learned Judicial Magistrate Court of Srivaikundam. They are facing charge under Sections 494 r/w 109 of IPC. The petitioners want this Court to quash the impugned proceedings by pointing out that while it is true that the first petitioner Arjunan got married to the complainant/Seethalakshmi on 09.05.2007. The marriage itself is not a valid one. It is pointed out that Seethalakshmi was earlier married to one Perumal on 20.08.2000. It is further pointed out that the marriage between Perumal and Seethalakshmi was not dissolved in the manner known to law. Therefore, the submission of the petitioners' counsel is that the marriage between Arjunan and Seethalakshmi itself is not a valid one and that therefore, the act of Arjunan contracting one more marriage with Umakumari on 01.03.2000 cannot attract the offence under Section 494 of IPC.

2.This Court called upon the learned counsel appearing for the respondent to point out as to how the marriage between Seethalakshmi

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and Perumal was dissolved. The submission of the respondent's counsel is that the marriage was dissolved in the customary mode. This Court cannot accept the same. Since the marriage between Perumal and Seethalakshmi was not dissolved in the manner known to law, obviously her marriage with Arjunan itself is not a valid one. Therefore, Seethalakshmi cannot change Arjunan with the offence of bigamy for marrying Umakumari in the year 2010.

3.The petitioner's counsel undertakes that the first petitioner Arjunan would pay a sum of Rs.2,00,000/- to the complainant within a period of five months from the date of receipt of a copy of this order. A sum of Rs.1,00,000/- will be paid within a period two months and the balance amount will be paid within a period of three months thereafter. He further undertakes that the first petitioner would abide by the maintenance order, which, Seethalakshmi obtained against Arjunan. By the said maintenance order, Seethalakshmi was awarded a sum of Rs.5,000/- per month. Thus, Arjunan will be obliged to pay the said monthly amount of Rs.5,000/-, apart from making this payment of Rs.2,00,000/-.

4.Recording the aforesaid undertaking given by the counsel, on instructions from the first petitioner, the impugned proceedings stand quashed. This Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

sjj

To

The Judicial Magistrate Court of Srivaikundam.

+1 CC to M/s.P.RAMESWAMY, Advocate (SR-87665[F] dated 19/09/2019)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-87514[F] dated 18/09/2019)

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KM/ (04.10.2019) 2P 4C

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