



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.10.2019
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.11535 of 2015

and

M.P. (MD)No.1 of 2015

G.Christhudhas

... Petitioner/Accused No.1

Vs

Palsy

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records and to quash the proceedings in C.C.No.276 of 2012, on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District.

For Petitioner : Mr.A.Thiruvadi Kumar

For Respondent : Mr.S.Palani Velayutham

O R D E R

This criminal original petition has been filed to quash the private complainant filed by the respondent herein. The respondent is the wife of the petitioner herein. Her allegation is that the petitioner contracted a bigamous marriage. Therefore, she filed the impugned private complaint under Section 494 of I.P.C. Parallely, she also lodged a police case against the petitioner herein. Based on the police report, the petitioner was prosecuted in C.C.No.238 of 2014, on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District. Cognizance of the offences under Sections 494 and 498(A) of I.P.C. was taken. It is not in dispute that the police case ended in acquittal. It is obvious that the case on hand cannot survive the acquittal in the police case. If the petitioner is to be prosecuted for the offence under Section 494 of I.P.C., that would amount infringement of the right against double jeopardy under Article 20(2) of the Constitution of India and also Section 300 of Cr.P.C. The petitioner having already been prosecuted for the offence under Section 494 of I.P.C., in C.C.No.238 of 2014 and the petitioner cannot be once again prosecuted for the very same offence. This is because the earlier case ended in acquittal. In this view of the matter, the impugned proceedings stand quashed and the criminal original petition is



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allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

The Judicial Magistrate No.I,
Kuzhithurai, Kanyakumari District.

CrI.O.P. (MD) No.11535 of 2015
15.10.2019

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