



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.20395 of 2017
and
CrI.M.P.Nos.12226 & 12227 of 2017

S.Geetha ...Petitioner /Accused No.2

Vs.

1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
W-1, All Women Police Station,
Thousand Lights,
Chennai-603 202 ...1st Respondent/Respondent

2.G.Supraja ...2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the charge sheet framed against the petitioner in C.C.No.67 of 2017 in Crime No.2 of 2016 on the file of the Additional Mahila Court, Egmore, Chennai in so far as it relates to the petitioner/2nd accused is concerned.

For Petitioner : Ms.Nandhini Vellipillai
for M/s.L.Margaret

For Respondents : Mr.S.Vinoth Kumar
Government Advocate for R1

Mr.S.Giritharan for R2

ORDER

The petitioner, who is an accused in C.C.No.67 of 2017 for offence under sections 498(A), 506(i), 494 of IPC on the file of the Additional Mahila Court, Egmore, Chennai, has filed this quash application.



2. It is the case of the prosecution that the defacto complainant and 1st accused who fell in love while studying in the college. Thereafter, they married on 11.07.2007. After marriage, the 1st accused demanded money, made several cruelty and also demanded dowry. Two children were born to them. In the year 2014, the 1st accused stopped coming to the house of the defacto complainant. When the same was questioned, he told to the defacto complainant that he had married 2nd Accused/Petitioner herein on 04.03.2015 and he will live with her only. Therefore, A2 also prosecuted and the entire materials produced before the trial Court. The only allegation made against the 1st accused is that he had made cruelty on the defacto complainant. The casual remarks have been made by the defacto complainant as if 1st Accused informed that he will lead life with the second wife. Therefore, second wife also prosecuted under Section 494 I.P.C.

3. It is to be noted and even to maintain any charge under Section 494 IPC, it should be established at the time of marriage, the present petitioner already married. This is not the case of the prosecution. Such being the position, prosecution against the 2nd Accused/Petitioner for both the offences is nothing but, clear an abuse of law and entire materials collected will not constitute any offence against Accused 2/Petitioner. Accordingly, the case against the 2nd Accused/Petitioner herein is quashed.

4. In the result, the Criminal Original Petition is ordered. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

nr/ggs

To

1.The Inspector of Police,
W-1, All Women Police Station,
Thousand Lights,
Chennai-603 202.



2. The Additional Mahila Court,
Egmore, Chennai

+3cc to M/s.Dr.L.Margaret, Advocate SR.No.58367

Cr1. O.P. No.20395 of 2017
and
Cr1.M.P.Nos.12226 & 12227 of 2017

GJ(CO)
CB(01/12/2021)