



Crl.OP.No.9356 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRL.OP.No.9356 of 2024

and

CMP.No.6517 of 2024

Anthonisagayaraj

... Petitioner

Vs.

1. The State Rep by
The Inspector of Police,
Kullanchavadi,
Cuddalore
(Cr.No.148/2018)

2.Lezyjenath

...Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for records in the S.C.No.232 of 2019 on the file of the Additional Mahila Court, Cuddalore to quash the same.

For Petitioner : Mr.N.U.Pressana

For Respondents : Mr.K.M.D.Muhilan for R1
Government Advocate (Crl.Side)

ORDER

This petition is filed to quash the criminal prosecution initiated against the petitioner for the offences under Sections 294 (b), 354 (D), 506 (1), 417, 376 and 498 (A) of IPC.



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2. Learned counsel appearing for the petitioner submitted that the defacto complainant and the petitioner were in love. Due to some misunderstanding between them, the complaint was lodged by the defacto complainant on 19.06.2018 making certain allegations of forceful intercourse and cheating besides dowry harassment. However, the difference of opinion was sort out pending investigation and the petitioner married the defacto complainant in the church on 25.10.2018. Despite the said fact, the respondent police has filed the final report and the same been taken on file by the Additional Mahila Court, Cuddalore, in S.C.No.232 of 2019.

3. Learned counsel for the petitioner submitted that the petitioner and the defacto complainant after solemnizing of their marriage are living as husband and wife and therefore, the charges framed against the petitioner are not maintainable. He also submitted that the statement of the witnesses are self-contradictory which would disclose the real intention of the defacto complainant.

4. The learned Government Advocate (Crl.Side) however submits



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that the investigation had disclosed that after having sexual intercourse by deceiving the petitioner to get anticipatory bail, had agreed to solemnize the marriage with the defacto complainant and also undergone the solemnization of marriage. However, he had never lived with the defacto complainant and also he had expressly told the defacto complainant that he has agreed for solemnization of marriage only to get the anticipatory bail. This statement, which form part of the FIR, been verified, statement of the witnesses recorded during the course of investigation. Therefore, the learned Government Advocate (Crl.Side) states that there are prima facie sufficient material to prosecute him for the offences punishable under Sections 294 (b), 354-D, 506 (1) , 417, 376 and 498-A of IPC.

5. On perusal of the records and on considering the rival submissions, this Court finds that there is material to proceed against the petitioner. The factual aspects have not been canvassed and the quash petition is left open for the petitioner herein to place before the trial court in the manner known to law. This case is not to be interfered with under Section 482 of Cr.P.C.,



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6. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking/Non speaking
gv

To

1. The Additional Mahila Court, Cuddalore
2. The Inspector of Police,
Kullanchavadi,
Cuddalore
(Cr.No.148/2018)
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Gv

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