



Crl.O.P.No.26517 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:25.10.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.26517 of 2024

and

Crl.M.P.No.14772 of 2024

Ramanan

.. Petitioner/Accused

/versus/

1.State rep.by

The Inspector of Police,
All Women Police Station,
Udumalpet, Tiruppur District.

..1st Respondent/Complainant

2.Subha Sree

..2nd Respondent/Defacto
Complainant

Criminal Original Petition has been filed under Section 528 of BNSS to call for the records in C.C.No.86 of 2026 on the file of Judicial Magistrate, Udumalpet, Tiruppur District and quash the same.

For Petitioner :Mr.P.Arumugavel

For R1 :Mr.K.M.D.Muhilan
Govt.Advocate(Crl.Side)



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ORDER

The petitioner herein been charged for the offence under Section 498A of IPC, on the complaint given by one Subasree.

2.The learned counsel appearing for the petitioner primarily contends that there was no marriage between the petitioner/accused and the defacto complainant and therefore, the offence under Section 498A will not attract.

3. The learned Government Advocate (Crl.Side) submitted that the specific charge against this petitioner is that the petitioner and the defacto complainant fell in love and eloped from their respective houses on 04.01.2023 and thereafter, they were rescued on the complaint given by the parents of the complainant on 05.01.2023. Thereafter, the marriage was arranged and solemnised in their tutelary/family deity temple at Chinthalavadampatti, Dindugal District. The petitioner and the defacto complainant were leading their marital life for three months in the house of the petitioner and thereafter, due to dowry demand, she got



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separated and the complaint dated 11.01.2024 was registered in Crime No.1 of 2024 for the offences under Sections 498(A), 506(1) of IPC and Section 4 of Dowry Prohibition Act, 1962. Later, on investigation, final report filed against this petitioner only for the offence under Section 498A IPC, since there is no material available to charge the petitioner herein for the other offences.

4. In view of the evidence placed *prima facie* before the Court the Court, the trial Court taken cognizance for the offence under Section 498A of IPC. If at all the petitioner has any negative evidence to disprove the factum of marriage, it has to be established in the course of trial. The disputed fact cannot be decided in the quash petition. Hence, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

25.10.2024

Index:yes/no
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To:

- 1.The Judicial Magistrate, Udumalpet, Tiruppur District.
- 2.The Inspector of Police, All Women Police Station,
Udumalpet, Tiruppur District.
- 3.The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN,J.

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