



Crl.O.P.(MD)No.5032 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.11.2024**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.5032 of 2020

and Crl.M.P.(MD) Nos.2915, 2916 of 2020 and 1395 of 2021

- 1.Preethi @ Preethika
- 2.Shankar
- 3.Sarkarai @ Sakkaraiammal

... Petitioners/
Accused Nos.7 to 9

Vs.

- 1.State Rep. by the Inspector of Police,
All Women Police Station,
Tallakulam, Madurai City.
(In Crime No.8 of 2018)

... Respondent No.1/
Complainant

- 2.Vishwasri @ Jayashri

... Respondent No.2/
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the proceedings in C.C.No.1053 of 2019 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai and quash the same.

For Petitioner : Mr.R.Rajaraman

For Respondents : Mr.S.Ravi
Additional Public Prosecutor for R1
Mr.C.M.Arumugam for R2



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ORDER

This petition has been filed to quash the proceedings pending in C.C.No.1053 of 2019 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai.

2.Heard Mr.R.Rajaraman, learned counsel for the petitioners and Mr.S.Ravi, learned Additional Public Prosecutor appearing for the first respondent and Mr.C.M.Arumugam, learned counsel appearing for the second respondent.

3.The second respondent gave a complaint to the first respondent police to the effect that she married one Ponrajesh. She was subjected to cruelty and there was demand for dowry by the husband and his parents and in-laws. Insofar as the petitioners are concerned, it was alleged that the said Ponrajesh once again married the first petitioner and the marriage was solemnized in the presence of second and third petitioners, who are the parents of the first petitioner. There are totally



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nine accused persons in this case and the petitioners were arrayed as A7 to A9.

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4.The short issue that arises for consideration in the present petition is as to whether there is any material available to establish that the first petitioner married Ponrajesh during the subsistence of the marriage with the second respondent.

5.On carefully going through the Section 161Cr.P.C. statements recorded by the Investigation Officer and also the statement of the Social Welfare Officer, Madurai and the report of the Protection Officer, it is seen that except for the *ipse dixit* of the second respondent, there is absolutely no scrap of material available to prove the alleged second marriage of the first petitioner to the said Ponrajesh.

6.During the course of arguments, it was also brought to the notice of this Court that the said Ponrajesh filed divorce petition against the second respondent in H.M.O.P.No.147 of 2018. The marriage was also dissolved by the Special Judge, Family Court, Madurai, through



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judgment dated 22.06.2024. On carefully going through the judgment, it is seen that that the second respondent herself has stated in the evidence that the first petitioner had only married one Chandru. On considering the same, the Family Court has given a finding to the effect that the allegation regarding second marriage is not correct and has not been proved.

7.In the light of the above discussion and based on the materials available before this Court, there is absolutely no ground to continue the criminal proceedings as against the petitioners. If the second marriage of the first petitioner has not been proved, there is no reason as to why the second and third petitioners, who are the parents of the first petitioner, should suffer the ordeal of the criminal proceedings. The continuation of the criminal proceedings as against the petitioners will only result in abuse of process of law which requires the interference of the Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

8.In the result, the proceedings in C.C.No.1053 of 2019 on the file of the learned Judicial Magistrate, Additional Mahila Court,



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Madurai, is hereby quashed insofar as the petitioners are concerned and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

05.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

1/2

To

- 1.The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

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