



CRL OP(MD)No.15049 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 08.03.2024

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THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CRL.O.P(MD)No.15049 of 2021
and
CRL.M.P(MD)No.8041 of 2021

1.Sundararajan

2.Rajammal

3.Megala

4.Amaravathi

5.Rethinam

... Petitioners

Vs

1.The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
(in Crime No.7 of 2014)

2.Vijayalakshmi

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in C.C.No.110 of 2015 pending on the file of the Judicial Magistrate, Melur and quash the same sofar as the petitioners are concerned.



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For Petitioners : Mr.P.Ganapathi Subramanian
For R1 : Mr.M.Sakthi Kumar
Government Advocate(crl.side)
For R2 : Mrs.J.Balameenachi

ORDER

Seeking to quash the final report in C.C.No.110 of 2015 on the file of the learned Judicial Magistrate, Melur, the present petition is filed.

2. The case of the prosecution, in a nutshell, is as follows:-

The first accused Jeyapaul married the defacto complainant during 2009 and they are blessed with two children. During the year 2012, the defacto complainant's sister-in-law's marriage was arranged with the fifth accused Sundarapandi and the jewels given to the defacto complainant were presented to the fifth accused. When the defacto complainant requested the first accused to return her jewels, all the accused tortured her mentally and also asked her to leave the matrimonial home. It is also her contention that the first accused married her suppressing his earlier marriage with the second accused Gokila and in fact they were having two children. The defacto complainant, therefore, had to leave the



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matrimonial home and based on her complaint, FIR in Crime No. 7 of 2014 was registered by the Sub Inspector of Police, All Women Police Station, Melur, against the accused 1 to 11 including the present petitioners for the offences punishable under Sections 294(b), 498(A), 494 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act. After concluding investigation, the Inspector of Police laid a final report in C.C.No.110 of 2015 before the Judicial Magistrate, Melur, Madurai District, for the aforesaid offences.

3.Mr.P.Ganapathi Subramanian, learned counsel for the petitioners would contend that the petitioners/accused 3, 4, 8 are senior citizens and that they did not commit any offence as alleged by the prosecution. It is also his contention that accused 5 and 6 are living separately at Karuppayurani, Madurai and they have been unnecessarily roped in by the prosecution in the present case.

4.Per contra, Mr.M.Sakthi Kumar, learned Government Advocate (crl.side) would contend that there are specific allegations against the present petitioners for the offences punishable under Sections 294(b),



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498(A), 494 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act. The trial had also commenced and so far two prime witnesses had deposed about the commission of offences by the petitioners also. He therefore prayed for dismissal of the petition.

5.Mrs.J.Balameenakchi, learned counsel for the defacto complainant would contend that the defacto complainant had left the matrimonial home on account of the torture meted out by her at the hands of the present petitioners and that the first accused had not only committed the offence of bigamy, but also committed the offences punishable under Sections 294(b), 498(A) and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

6.It is brought to the notice of this Court that the defacto complainant filed H.M.O.P.No.151 of 2013 on the file of Additional Sub Court, Madurai (Melur Camp) under Section 9 of the Hindu Marriage Act for restitution of conjugal rights and similarly, the first accused filed divorce petition in HMOP No.211 of 2013 and both HMOPs were tried jointly and the divorce petition filed by the husband was allowed, while



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the petition for restitution of conjugal rights filed by the wife was dismissed on 29.04.2016, as against which, civil miscellaneous appeals were filed by the wife and the same were also dismissed. However, as per the version of the learned Government Advocate and the learned counsel for the defacto complainant, the defacto complainant as P.W1 had clearly deposed before the trial Court with regard to the offences committed by each and every accused and P.W.2 had also corroborated with the version of P.W.1 in all material particulars. The proceedings in HMOP case are totally different from the present case on hand.

7. In the circumstances, I do not see any reason to quash the final report in C.C.No.110 of 2015 on the file of the learned Judicial Magistrate, Melur. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

08.03.2024

Index :Yes/No
Internet :Yes/No
NCC :Yes/No
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To
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- 1.The Judicial Magistrate, Melur
- 2.The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.HEMALATHA,J.

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