



CRL MP(MD) No.13441 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Wednesday, the Eleventh day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CRL MP(MD) No.13441 of 2024

in

CRL OP(MD)No.21699 of 2024

VIVEK

... PETITIONER/PETITIONER

Vs

1 THE STATE OF TAMIL NADU  
REP. BY THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION MADURAI TOWN,  
MADURAI CITY,  
IN CRIME NO. 17 OF 2023

2 SELVAMALAR,

... RESPONDENTS/RESPONDENTS

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant an order of INTERIM STAY of all further proceedings pursuant to the impugned charge sheet in C.C. NO. 1496 of 2024 in Crime No. 17 of 2023 on the file of learned Judicial Magistrate Additional Mahila Court, Madurai pending disposal of the above quash petition.

Prayer in CRL OP(MD). 21699/ 2024 :

To call for the records pertaining to the impugned charge sheet in C.C. No. 1496 of 2024 in Crime No.17 of 2023 on the file of learned Judicial Magistrate Addl. Mahila Court, Madurai and quash the same



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Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.K.RAJESH, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the 1<sup>st</sup> Respondent while admitting the Criminal Original Petition.,, the Court made the following order:-

Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor, takes notice for the first respondent.

2. Notice to the second respondent returnable by **27.01.2025**. Private notice is also permitted.

3. The petitioner / Accused, who is facing trial in C.C.No.1496 of 2024, for the offences under Sections 498-A and 506(i) of I.P.C., has filed the quash application, seeking to quash the proceedings in the said case.

4. The contention of the learned counsel for the petitioner is that the petitioner is aged about 32 years, while the second respondent/de-facto complainant, who claims to be the wife of the petitioner, is aged about 35 years.

5. The learned counsel submitted that the case presented against the petitioner is that, on 25.01.2021, a marriage was held between the de-facto complainant and the



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petitioner at Koodal Alagar Perumal Kovil, Madurai, in the presence of family elders. Thereafter, they lived together as husband and wife, and she had also given the petitioner five sovereigns of gold jewelry. However, it is alleged that the petitioner, while suppressing this fact, made arrangements for a second marriage, printing and distributing marriage invitations. Hence, the de-facto complainant lodged a complaint on 16.09.2023.

6. The contention of the learned counsel for the petitioner, however, is that the petitioner and the de-facto complainant never married. They were colleagues working together, the petitioner as a supervisor and the de-facto complainant in the accounts section of Adyar Ananda Bhavan in Madurai. During this time, they became acquainted and shared a close relationship, but this does not imply they were living as husband and wife. The de-facto complainant, according to the petitioner, falsely claims a marriage had occurred at the Temple. Furthermore, she allegedly concealed her previous marriage with one Antonysamy and the fact that they have two children together. The learned counsel for the petitioner also contended that de-facto complainant is a Sri Lankan repatriate who had been residing in a Sri Lankan repatriate camp, facts which she allegedly suppressed in her complaint.



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7. The learned counsel for the petitioner further submitted that the case against the petitioner includes charges under Section 498-A and Section 506(i) of the I.P.C. However, the learned counsel submitted that under Section 498-A of the I.P.C., a case can only proceed if there is a legal marriage between the parties, which does not exist in this case. Furthermore, Section 506(i) of the I.P.C. cannot be invoked in the absence of any intimidation or threat.

8. The learned counsel also submitted that the statements made by the de-facto complainant in her complaint and in her 161 Cr.P.C. statement are contradictory and inconsistent, with significant improvements in her testimony. She has also sent a legal notice, in which, gives a different date of marriage. She admits there was no formal marriage, only a living-together arrangement. In view of such admission, the foundational facts of the case are called into question. Hence, the learned counsel seeks the quashing of the proceedings in C.C.No. 1496 of 2024, pending before the learned Judicial Magistrate, Additional Mahila Court, Madurai.

9. Considering the above submissions, this Court is of the view that a *prima facie* case has been made out. Hence, there shall be an order of interim stay of all



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further proceedings in C.C.No.1496 of 2024, on the file of the learned Judicial

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Magistrate, Additional Mahila Court, Madurai.

sd/-

11/12/2024

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/12/2024

Sub-Assistant Registrar

( C.S. I / II / III / IV )

Madurai Bench of Madras High Court,

Madurai - 625 023.

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TO

- 1 THE JUDICIAL MAGISTRATE,  
ADDITIONAL MAHILA COURT, MADURAI.
  - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI.
  - 3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION MADURAI TOWN,  
MADURAI CITY
  - 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.RAJESH, Advocate ( SR-15325[I] dated 12/12/2024 )



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ORDER  
IN  
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in  
CRL OP(MD)No.21699 of 2024  
Date :11/12/2024

SS/GSV/SAR- /18/12/2024/ 6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023