



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2025

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.R.C.No.717 of 2023

Selvakumar

... Petitioner

Vs.

1. The State

By S.H.O All Women Police Station,
Virudhachalam, Crime No.06/2011

2. Prabha @ Prabhavathi

W/o P.Selvakumar

Suo moto impleaded as per order dated 06.02.2024
in Cr.R.C.No.749 and 717 of 2023

... Respondents

PRAYER : This petition is filed under Sections 397 and 401 of Cr.P.C to call for the records pertaining to the order of dismissal in Crl.A.No.13 of 2022 dated 10.02.2023 on the file of the III Additional District and Sessions Court, Cuddalore, Virudhachalam, confirming the Trial Court sentence made in C.C.No.45 of 2012 dated 06.04.2022 on the file of the learned Magistrate-II, Virudhachalam, set-aside the same and allow the Criminal Revision Petition and pass orders.

For Petitioner

:Mr.P. Bakiyaraj

For Respondent-1

: Dr.C.E. Pratap, Government Advocate

For Respondent-2

: Mr.K. Sharath Chandran



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ORDER

This Criminal Revision Case has been filed to call for the records pertaining to the order of dismissal in Crl.A.No.13 of 2022 dated 10.02.2023 on the file of the III Additional District and Sessions Court, Cuddalore, Virudhachalam, confirming the Trial Court sentence made in C.C.No.45 of 2012 dated 06.04.2022 on the file of the learned Magistrate-II, Virudhachalam,

2. The case of the prosecution is that the petitioner is the husband and the second respondent is the wife. The first husband of the second respondent died and she married the petitioner on 13.12.2007. It is alleged that the petitioner suppressed the fact about his first marriage and married the second respondent. It is pertinent to note that the first marriage of the petitioner was subsisting on 13.12.2007 i.e when the petitioner/accused. married second respondent. After marriage, the marital life of the second respondent run into a bad weather. The petitioner ill treated the second respondent and suspected her chastity and started to give mental torture to her and also abused and assaulted her on many occasions. Furthermore restrained the second respondent not to go for job, as a result of which the second respondent left her Government job. As a result of which, the second respondent lodged a Criminal complainant and the same was taken on file

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in C.C.No.45 of 2023 before the Judicial Magistrate No.II, Virudhachalam, wherein, the learned Judge has allowed the petition and sentenced and convicted the second respondent under Section 248(2) of Cr.P.C and he shall undergo rigorous imprisonment for a term of 3 years and shall also pay a fine of Rs.5,000/- in default to undergo simple imprisonment for a period of one month for the offence u/s 494 of I.P.C. Further the accused was convicted under Section 248(2) of CR.P.C and he shall undergo rigorous imprisonment for a term of 2 years and he shall also pay a fine of Rs.5,000/- in default to undergo simple imprisonment for a period of one month for offence u/s 498 of IPC. Both the sentences are ordered to run consecutively. Challenging the same the petitioner filed a Criminal Appeal No.13 of 2022 before the III Additional District and Sessions Court, Cuddalore ,Virudhachalam, who dismissed the appeal on 10.02.2023. Aggrieved over the same the petitioner has come up with this petition.

3.Today when the matter is taken up for hearing, the learned counsel for the petitioner and the respondent submitted that the matter is settled and they have also filed a Joint memo of compromise to that effect and the same is extracted hereunder:

1. The petitioner and the second respondent respectfully submit this Joint Compromise Memo before this Hon'ble Court. A Criminal case was registered in Crime No.06 of 2011 on the file of the All



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Women Police Station, Virudhachalam, on the basis of a complaint lodged by the second respondent alleging that the petitioner had undergone a marriage ceremony with her on 13.12.2007 after fraudulently suppressing the fact that he had an earlier subsisting marriage. It was further alleged that after the said ceremony, the petitioner subjected the second respondent to cruelty and harassment.

2. After investigation, a final report was laid for offences under Sections 495, 498A and 506(i) of the Indian Penal Code. The learned judicial Magistrate No.II, Virudhachalam by Judgment dated 06.04.2022 in C.C.No.45 of 2012, convicted the petitioner for the offences under Sections 495 and 498A of IPC and sentenced him to undergo rigorous imprisonment for three years for the offence under Section 495 of IPC and rigorous imprisonment for two years for the offence under Section 498A IPC apart from fines. The petitioner was acquitted of the charge under Section 506(i) IPC. The III Additional District and Sessions Judge, Virudhachalam, by Judgment dated 10.02.2023 in Crl.A.No.14 of 2023, confirmed the conviction and sentence.

3. Aggrieved by the said conviction and sentence, the petitioner filed the present Revision case in Crl.R.C.No.717 of 2023 seeking suspension and modification of the sentence. The second respondent on the other hand filed, Crl.R.C.No.749 of 2023 seeking enhancement of sentence. Both revisions arise from the same proceedings and originate from the same factual background.

4. During the pendency of the present revision, the petitioner and the second respondent have mutually and voluntarily resolved all disputes matrimonial, civil, criminal monetary and otherwise, covering all past, present and future issues. They have acknowledged that their relationship has irretrievably broken down, and that continuation of further litigation serves no purpose.

5. Pursuant to this settlement, the petitioner has agreed to pay the second respondent a consolidated sum of Rupees Thirty Lakhs (Rs.30,00,000/-) towards full and final settlement of all claims arising from the alleged marriage as well as consequential civil and criminal issues. Out of this amount, the petitioner had already paid a sum of Rupees fifteen lakhs (Rs.15,00,000/-) to the second respondent by way of three RTGS transfers of Rupees Five Lakhs (Rs.5,00,000/-) each. These payments were effected on 04.11.2025 under reference RTGS-



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BARBR5205110400819043-PRABA-KARUR VYSYA BANK on 05.11.2025 under reference RTGS-BARBR52051105008409028-PRABA-KARUR VYSYA BANK; and on 06.11.2025 under reference RTGS BARBR5205110600905031-PRABA-KARUR VYSYA BANK. The second Respondent acknowledged receipt of these amounts.

6. Towards the remaining settlement amount of Rupees Fifteen Lakhs (Rs.15,00,000/-) the petitioner has handed over three demand drafts each for a sum of Rupees Five Lakhs (Rs.5,0,0000/-) drawn on Bank of Baroda, Kalapatti Branch. The first Demand Draft is dated 17.11.2025, bearing DD.No.356484 641012026 205711 16; the second demand draft is dated 15.11.2025 bearing DD No.356483 641012026 205711 16; and the third Demand Draft is dated 14.11.2025 bearing DD No.356482 641012026 205711 16. The second respondent acknowledged receipt of all three original Demand Drafts and confirms that these payments, the total settlement amount of Rupees Thirty Lakhs (Rs.30,00,000/-) stands fully satisfied.

7. As a consequence of the complete settlement, the second respondent has agreed not to pursue CrI.R.C.No.749 of 2023 and to withdraw the same. She further states she has no objection to the present revision filed by the petitioner being allowed in terms of this settlement. Both parties further declare that they shall not, in future initiate or pursue any civil, criminal, or matrimonial proceedings against each other in relation to the marriage dated 13.12.2007 or any incident arising therefrom.

8. Having regard to the findings of the Trial Court that the petitioner had a subsisting earlier marriage at the time of the ceremony dated 13.12.2007 and considering that the parties have voluntarily all disputes and severed all ties, it is respectfully submitted that the said marriage is void in the eyes of the law. The parties therefore jointly pray that this Hon'ble Court may be pleased to declare that the marriage purportedly performed between them on 13.12.2007 is null and void.

9. In view of the above, the petitioner and the second respondent humbly pray that this Hon'ble Court may be pleased to record this Joint Compromise Memo, dispose of the present Criminal Revision Petition in terms of the compromise, declare the marriage dated 13.12.2007 as null and void and pass such further orders as this Hon'ble Court may deem fit in the interest of justice.



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4. Before advertizing further it would be relevant to go through the Judgment passed by this Court in the similar facts of the case in ***Gian Singh Vs. State of Punjab and another (2012 10 SCC 303)*** and the relevant portion of the Judgment is extracted hereunder:

57. The position that emerges from the above discussion can be summarized thus; the power of the High Court in quashing a criminal proceeding or Fir or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal Court for compounding the offences under Section 320 of the code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such powers viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint of F.I.R may be exercised where the offence and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc., cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute . Such offences are not private in nature and have



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serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like prevention of corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the Criminal cases having overwhelmingly and per-dominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category cases, High court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an



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*end and if the answer to the above question(s) is in affirmative,
the High Court shall be well within its jurisdiction to quash
the criminal proceeding.*

5. Considering the facts of the case it is made clear that the petitioner has committed Bigamy and there is no possibility for reunion between the couple. Hence, there is no meaning to keep the marriage solemnized between the petitioner and the second respondent on 13.12.2007 alive. Hence, the marriage performed between the petitioner and the second respondent is declared as null as void.

6 . Further more the parties have entered into a Joint compromise memo on 19.11.2025 and the second respondent has received a sum of Rs.30,00,000/- from the petitioner and settlement was arrived between them. The above judgment indicates that it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice it is appropriate that criminal case is put to an end.



7. Hence, recording the Joint compromise memo filed by the Revision petitioner and Respondent this Criminal Revision Case is disposed of. The Joint compromise memo filed by the Revision petitioner and Respondent which is extracted above forms part of this order.

20.11.2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. The All Women Police Station,
Virudhachalam,

2. The learned III Additional District and Sessions Court, Cuddalore,
Virudhachalam



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T.V.THAMILSELVI, J.

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