



CrI.O.P.No.13632 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.13632 of 2025 and
CrI.M.P.No.9050 of 2025

1. Sivakumar
2. Sivalakshmi

... Petitioners

Vs.

1. State rep. by
The Inspector of Police
W-8, AWPS
Thirumangalam,
Chennai

2. Maharadevi

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS to call for records and quash the final report/charge sheet filed by the first respondent in Crime No.6 of 2018 and the same has been taken on file in C.C.No.53 of 2023 and pending for trial before the learned Additional Mahila Court, Chennai.

For Petitioners : Mr.F.Wellington

For 1st Respondent : Mr.S.Vinoth Kumar

Government Advocate (CrI. Side)



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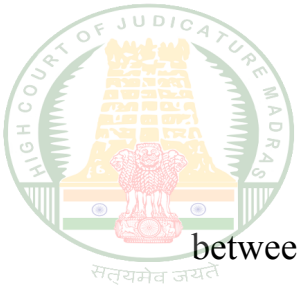
ORDER

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This Criminal Original Petition has been filed by the petitioners to quash the final report/charge sheet filed by the first respondent in Crime No.6 of 2018 which has been taken on file in C.C.No.53 of 2023 and pending for trial before the Additional Mahila Court, Chennai.

2. The case of the petitioners is that based on the complaint given by the second respondent who is the wife of the first petitioner, the case in Crime No.6 of 2018 was registered by the first respondent police for the offence under Sections 468(A) and 494 IPC alleging that while the first marriage was in subsistence, the first petitioner performed second marriage with the second petitioner. After completion of investigation, the first respondent police laid charge sheet and the same was taken on file in C.C.No.53 of 2023 on the file of the Additional Mahila Court, Chennai. The present petition has been filed seeking to quash the charge sheet.

3. The learned counsel for the petitioners submitted that the marriage

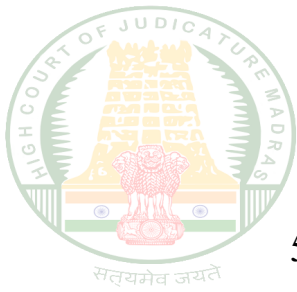


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between the first petitioner and the defact complainant took place in the year

2010 and there was a matrimonial dispute between the parties. The defacto complainant hardly lived with the first petitioner only for 10 days. Thereafter, she left the matrimonial home and lived in her parental home. Therefore, there is no question of demand of dowry and cruelty. Further, the police cannot register a case under Section 494 IPC, which is purely a private offence and only the aggrieved party can file a complaint by way of private complaint and the police has no authority to investigate the offence under Section 494 Cr.P.C. He further submitted that the allegations are time barred allegations and that the complaint itself has been filed for time barred allegations. Therefore, the police has no authority to register the case and conduct investigation and hence, the C.C. has to be quashed.

4. Heard the learned counsel for the petitioners and the learned Government Advocate (CrI. Side) appearing for the first respondent police and also perused the materials available on record.



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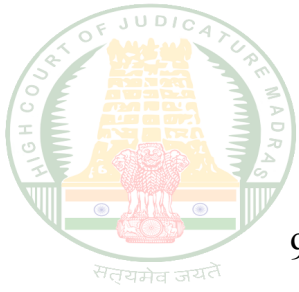
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5. Since no adverse order is being passed against the second respondent, notice to the second respondent is dispensed with.

6. It is seen that the relationship between the first petitioner and the second respondent/defacto complainant is not in dispute. The defacto complainant had filed a petition before the Family Court under Section 9 of the Hindu Marriage Act for Restitution of Conjugal Right and the first petitioner had filed a petition for divorce and both the cases were tried together and disposed of in the year 2021.

7. A reading of the statement of the defacto complainant and the other materials show that there are allegations and prima facie materials to proceed the case further. Therefore, this Court is not inclined to quash the C.C.

8. Accordingly, this Criminal Original Petition is dismissed at the admission stage itself. Consequently, the connected Miscellaneous Petition is closed.



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9. However, the petitioners are at liberty to take all their defence during

trial before the trial Court.

03.06.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The Additional Mahila Court,
Chennai.

2. The Inspector of Police
W-8, AWPS
Thirumangalam,
Chennai

3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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