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Crl O.P.No.17380 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.17380 of 2023

and

Crl.M.P.No.11271 of 2023

1. Karunakaran
 2. R.Krishnan
- ... Petitioners/ A4 & A5
- Vs-

1. State represented by
The Inspector of Police,
All Women Police Station,
Melmaruvathur.
Crime No.9/2023
 2. Lavanya
- ..1st respondent/Complainant
- ..2nd respondent/De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the CrPC, to call for the records and quash the FIR in Crime No.9 of 2023 on the file of the first respondent police with respect to the petitioners.

For Petitioner	:	Mr.R Rajarajan
For R1	:	Mr. A Gopinath
		Government Advocate (Crl.Side)
For R2	:	Mr.L Prem Kumar

ORDER



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2. the second respondent got married with the first accused on 09.02.2019. After their marriage, the second respondent got pregnant and it is alleged that during the baby shower function, the first accused had demanded a sum of Rs.3,00,000/- from the second respondent. On 12.08.2021, she gave birth to a male child and thereafter, the first accused drove her out from the matrimonial house and blocked her number for not providing the said dowry amount. Subsequently, she also came to know that the first accused got married to another lady on 12.02.2023 in the presence of the other accused nos. 2 to 9, hence the complaint. The petitioners herein are arrayed as fourth and fifth accused.

3. The learned counsel for the petitioners would submit that the



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petitioners are the brothers of the first accused and except that relationship between them, they are no way related with the matrimonial dispute between the first accused and the second respondent. Even as per the FIR, there is no specific allegation as against the petitioners with respect to the demand of dowry from the second respondent. Whereas, the only allegation as against them is that they were present during the marriage that was conducted between the first accused and another lady. Even earlier, when the first accused got married to the second respondent the petitioners along with the other accused were present and hence Section 498A of IPC cannot be attracted towards them. That apart, Section 494 of IPC deals with offence of Bigamy and hence, the family members or the relatives of the main accused cannot be arrayed as an accused under the above said Section.

4. The learned Government Advocate (Crl.Side) submitted that the investigation has been completed and final report is yet to be filed.

5. Heard both sides and perused the materials available on record.



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6. The petitioners have been charged under the Section 494 of IPC. The relevant portion of the same is extracted hereunder:

“Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may be extended to seven years, and shall also be liable to fine.”

A clear reading of the above Section depicts that except the respective spouses other persons cannot be attracted under this Section. Though, the first respondent can register the FIR along with other IPC offences, in so far as the petitioners are concerned there is no allegation to attract any offence under IPC.

7. As rightly pointed out by the learned counsel for the petitioners, the petitioners were also present during the marriage conducted between the first accused and another lady. Therefore, no



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grounds are made out as against the petitioners to proceed further in Crime No.9 of 2023.

8. In view of the aforesaid facts, the FIR registered in Crime No.9 of 2023 as against the petitioners is liable to be quashed and the same is quashed. The first respondent is directed to proceed with the investigation as against the other accused and file the final report within a period of 12 weeks from the date of receipt of a copy of this order.

8. Accordingly, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

24.02.2025

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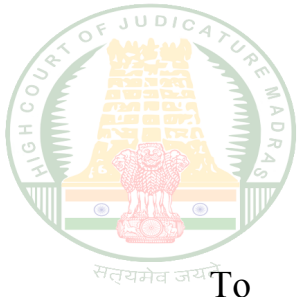
Index : Yes/No

Neutral citation : Yes/No

Speaking/non-speaking order

G.K.ILANTHIRAIYAN, J.

Vca



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To
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1. The Inspector of Police,
All Women Police Station,
Melmaruvathur..
2. The Public Prosecutor,
High Court Madras.

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and
Crl.M.P.No.11271 of 2023

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