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Crl.O.P.No.20617 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.20617 of 2025 and
Crl.M.P.Nos.14257 and 14258 of 2025

1. Meena
2. Shanmugam
3. Pattammal

...Petitioners

Vs.

1. State represented by
The Inspector of Police,
All Women Police Station,
Arakonam.

2. Poongodi

...Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS to call for the records pertaining to the charge sheet in C.C.No.159 of 2015 on the file of the Judicial Magistrate I, Arakonam, and quash the same insofar as the petitioners/Accused 7, 8, and 9 are concerned.



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For Petitioners : Mr.Charles Kamalesh M. Appaji

For Respondents : Dr.C.E.Pratap,
Govt. Advocate (Crl.Side) for R1

ORDER

This petition has been filed seeking to quash the case in C.C.No.154 of 2018 pending before the learned the Judicial Magistrate-I, Arakonam, against the petitioners for the offence under Sections 498(A), 494, 494 r/w 109, 506(i) and 506 (ii) IPC.

2 Learned counsel for the petitioners would submit that there is no specific allegations against these petitioners to attract offence under Section 498A IPC. Further to attract Section 494 IPC, prosecution must prove the second marriage and there is no evidence for the second marriage and no witnesses have spoken about the same, except the defacto complainant and her parents. The petitioners' names were not found in FIR and while filing charge sheet, prosecution added the names of the petitioners also. The allegations made in the charge sheet, even if they are



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taken for their face value and accepted entirely, do not *prima facie* constitute any offence or make out any case against the petitioners. Therefore the case in C.C.No.159 of 2018 against the petitioners has to be quashed.

3 The learned Government Advocate (Crl.Side) would submit that the accused 8 and 9 have performed the second marriage of the first accused with 7th accused, who are the petitioners herein. Therefore after investigation charge sheet was laid against them and witnesses have also spoken about the involvement of these petitioners. Hence the case against the petitioners need not be quashed.

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

5 Even though as contended by the learned counsel for



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the petitioners that the petitioners' names were not found place in the FIR and only during filing of charge sheet prosecution added the names of the petitioners, it is settled proposition of law that FIR is not an encyclopaedia and it is the first document to set the law in motion. After registering FIR, if subsequent investigation reveals involvement of other persons in the offence, it is always open to the Investigating Agency to lay charge sheet against them. Therefore the contention of the learned counsel for the petitioners is not acceptable.

6 A reading of the materials and statement of witnesses reveal *prima facie* allegations to proceed against these petitioners. The grounds taken by the learned counsel for the petitioners to quash the case are all nothing but defence, which are matter for trial and hence the same can be agitated before the trial Court. Therefore this Court is not inclined to quash the case against the petitioners.



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Accordingly, this Criminal Original Petition stands dismissed. Consequently connected miscellaneous petitions are closed. However, the petitioners are at liberty to take all their defence before the trial Court.

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Speaking /Non-speaking order

To

1. The Judicial Magistrate I, Arakonam.
2. The Inspector of Police, All Women Police Station, Arakonam.
3. The Public Prosecutor, Madras High Court.



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P.VELMURUGAN, J.

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