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*Crl.O.P.No. 20718 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2025

CORAM:

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

Crl.O.P.No.20718 of 2023 and  
Crl.M.P.Nos.14151 and 14152 of 2023

1.Mahendran  
2.Sudha  
3.Natarajan  
4.Selvi

... Petitioners

Vs.

Loganayaki

..Respondent

**PRAYER:** Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and to quash the impugned complaint in C.C.No.133 of 2023 pending trial on the file of the learned District Munsif cum Judicial Magistrate, Arcot alleged offence under Section 494 IPC.

For Petitioners : Mr.R.John Sathyan,  
Senior Counsel for  
M/S Adithya Varadarajan

For Respondent : Mr.D.Saikumaran



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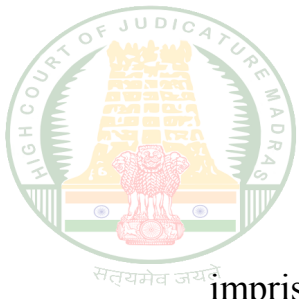
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## **ORDER**

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C. No. 133 of 2023 pending on the file of the learned District Munsif cum Judicial Magistrate, Arcot, for the offence under Section 494 of the Indian Penal Code, 1860.

2. The case of the prosecution is that the respondent lodged a complaint against the petitioners alleging that the first petitioner, who was married to the respondent, had subsequently married another woman in the year 2008, thereby committing the offence under Section 494 of IPC. The petitioners are arrayed as Accused Nos. 1 to 4 in the said complaint.

3. The learned Senior counsel for the petitioners submits that the respondent had previously lodged a complaint in C.C. No. 525 of 2007 before the Judicial Magistrate Court No. 1, Vellore, under Sections 417, 506(ii), and 498-A of IPC. After trial, the first petitioner was convicted under Section 498-A of IPC and sentenced to undergo two years of

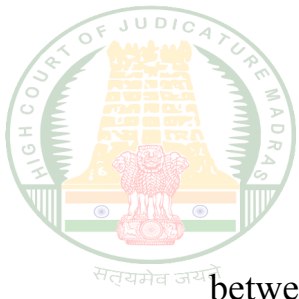


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imprisonment with a fine of Rs. 1,000/-. Aggrieved by the said conviction, the first petitioner preferred an appeal in Criminal Appeal No. 256 of 2011 before the I Additional District and Sessions Judge, Vellore. By judgment dated 25.04.2012, the appellate court allowed the appeal, acquitting the first petitioner from all charges. The appellate court categorically held that the respondent failed to prove her marriage with the first petitioner. Despite the acquittal, the respondent filed the present complaint under Section 494 of IPC, alleging bigamy. The learned Senior counsel contends that the respondent had knowledge of the acquittal but suppressed this fact while filing the current complaint. The complaint lacks specific allegations to attract the offence under Section 494 IPC, as it fails to provide details regarding the date, time, and nature of the alleged second marriage. Therefore, no *prima facie* case is made out against the petitioners.

4. The learned counsel for the respondent submits that the respondent had lived with the first petitioner as husband and wife and was subsequently abandoned. Although the first petitioner was acquitted in the earlier case, it does not negate the existence of a valid marriage



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between the respondent and the first petitioner. The learned counsel for the respondent alleges that the respondent and the first petitioner were married on 14.02.1996, though the marriage was not registered. The learned counsel argues that the trial court's conviction under Section 498-A of IPC was based on the existence of the marriage, which was later overturned on appeal. The respondent claims that the acquittal does not absolve the first petitioner of the offence of bigamy under Section 494 IPC, as the second marriage was solemnized in the year 2008 while the first marriage was allegedly still in existence. The complaint under Section 494 of IPC, therefore, raises a valid issue for trial.

5. Heard both sides and perused the material placed before this Court.

6. On perusal of records, it is evident that the earlier appellate judgment in Crl.A. No. 256 of 2011 categorically acquitted the first petitioner, holding that the respondent failed to prove the existence of the marriage. Subsequently, the present complaint under Section 494 of IPC is based on allegations of bigamy, which require the existence of a valid



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marriage as an essential ingredient. However, the complaint lacks specific details regarding the alleged second marriage, such as the date, time, and ceremonial nature, which are crucial to establish an offence under Section 494 of IPC. That apart, the respondent, despite having knowledge of the prior acquittal, has not disclosed this fact in the present complaint.

7. In view of the above, the Court finds that no *prima facie* case is made out as against the petitioners under Section 494 of IPC. The continuation of proceedings in C.C. No. 133 of 2023 would amount to an abuse of the process of law. Accordingly, the proceedings in C.C. No. 133 of 2023 pending on the file of the learned District Munsif cum Judicial Magistrate, Arcot, is quashed as against the petitioners and this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

**01.04.2025**

Neutral citation : Yes/No  
Speaking/non-speaking order  
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**G.K.ILANTHIRAIYAN, J.**

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To

1. The District Munsif cum Judicial Magistrate, Arcot

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