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CRL OP No. 27733 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

**CRL OP No. 27733 of 2025 &
CrI.M.P.No.18837 of 2025**

Sivaranjini

Petitioner(s)

Vs

1. The State Rep By, The Inspector of
Police
All Women Police Station, Cuddalore
District. Crime NO.25 of 2025.

2.M.Ajith

Respondent(s)

PRAYER

Criminal Original Petition filed under Section 528 of BNSS to call for the records relating to the case in Crime No.25 of 2025 pending investigation on the file of the 1st respondent and quash the same and thus render justice.

For Petitioner(s): Mr.K.G.Senthil Kumar

For Respondent: Mr.K.M.D.Muhilan for R1
Additional Public Prosecutor



ORDER

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The petitioner, seeks to quash the case in Crime No.25 of 2025 on the file of the respondent police, for alleged offences under Section 494 of IPC, which was filed on the basis of the complaint given by the 2nd respondent / defacto complainant, who is the husband of the petitioner.

2. The learned counsel for the petitioner would submit that the offence is non-cognizable and without permission from the court, the police has no power to proceed with the complaint and there is a specific bar for prosecution of such offence, only private complaint is required.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent and perused the documents placed on record.

4. The legal position is that for prosecution of offence against the marriage, including the offence under Section 494 of IPC, the court can take



cognizance of offence only on the complaint made by some person, who is aggrieved by the offence, as per Section 198 of Cr.P.C., / Section 219 of BNSS.

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5. In such view of the matter, filing of FIR and continuing investigation cannot be permitted and FIR in crime no.25 of 2025 on the file of the 1st respondent is quashed. Accordingly, the present Petition is disposed of. Consequently connected miscellaneous petition is closed.

13-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

ssd

To

1. The State Rep By, The Inspector of Police

All Women Police Station, Cuddalore

District. Crime NO.25 of 2025.

2. The Public Prosecutor,

High court, Madras



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N.SATHISH KUMAR J.

ssd

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