

Crl.O.P.(MD) No.1042 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. OP(MD). No.1042 of 2025

and

Crl.M.P(MD) No.693 of 2025

1.P.K.Ramkumar

2. Geetha

... Petitioners

Vs.

1. The Inspector of Police
SIPCOT Police Station
Thoothukudi District

2. Jothimani

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for the records pertaining to the First Information Report in Crime No.52 of 2021 on the file of the first respondent, Inspector of Police, SIPCOT Police Station, Thoothukudi District and quash the same as illegal.

For Petitioners : Mr.A.Robinson

For Respondents : Mr.M.Sakthi Kumar
No.1 Government Advocate (Crl. Side)

No.2 :Mr.Ka.Raamakrishnan



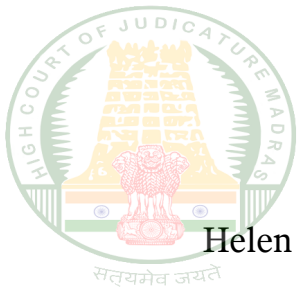
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ORDER

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2. The case of the prosecution is that the petitioners along with one Muthukumar solemnized marriage to the first accused with the defacto complainant by suppressing previous marriage to the said Muthukumar and when the same was questioned by the defacto complainant they used obscene words and threatened with dire consequences and also assaulted the defacto complainant, thereby the defacto complainant lodged a complaint before the first respondent and they registered a case in Crime No.52 of 2021 for the offences under Sections 294(b), 323, 506(ii) and 420 of IPC and Section 4 of TNPHW Act .

3. The learned counsel appearing for the petitioners would submit that the first petitioner is the brother of the second respondent's husband and the second petitioner is the mother-in law of the second respondent. While so, the second respondent lodged a complaint against her husband and the petitioners alleging that the first accused already married one



Helen Ida on 01.03.2007. Thereafter the second respondent came to know in the month of September 2020 that they suppressed the previous marriage, thereby they cheated the defacto complainant. When the same was questioned by the second respondent the first accused assaulted assaulted her and also caused criminal intimidation, thereby lodged a complaint before the first respondent and the first respondent registered a case in Crime No.52 of 2021. There are no specific allegations as against the petitioners and the allegations are as against the first accused . The only allegation against these petitioners is that they suppressed the earlier marriage, thereby cheated the defacto complainant. In order to attract the offence under Section 420 of IPC there are no ingredients to constitute the offence and even as per the First Information Report , the first accused already got married with one Helen Ida and suppressing the above facts her marriage was solemnized and she questioned about the same to the first accused she was assaulted. Therefore the petitioners abetted for the offence under Section 420 of IPC. Apart from this there are no allegations as against these petitioners. Therefore the pending First Information Report is abuse of process of law and family dispute has been given a criminal colour, therefore the pending First Information Report is liable to be quashed.



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4. The learned counsel appearing for the second respondent/defacto complainant would submit that the second respondent got married with the first accused namely Muthukumar and the first petitioner is the brother-in-law of Ramkumar and the second petitioner is the mother-in-law of the second respondent. The petitioners along with others suppressed earlier marriage with Helen Ida and thereafter performed marriage with Muthukumar. When the same was questioned by the defacto complainant the first accused assaulted and threatened her and thereby she lodged a complaint and the case is under investigation, therefore at this stage the prayer of the petitioner cannot be considered, hence the petition is liable to be dismissed.

5. The learned Government Advocate(Crl.side)appearing for the first respondent would submit that based on the complaint given by the second respondent the first respondent registered a case in Crime No.52 of 2021 for the offences under Sections 294(b),323,506(2), 420 of IPC and Section 4 of TNPHW Act. There are some allegations as against these petitioners and these petitioners suppressing the earlier marriage of the first accused they solemnized second marriage to the second respondent and thereby cheated the defacto complainant. When the same



was questioned by the defacto complainant, the first accused assaulted her and thereby she lodged a complaint for which a case has been registered and now the case is under investigation, hence the petition is liable to be dismissed.

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

7. Based on the complaint given by the second respondent, the first respondent registered a case in Crime No.52 of 2021 for the offences under Sections 294(b), 323, 506(2), 420 of IPC and Section 4 of TNPHW Act. These petitioners are only in-laws of the defacto complainant. The only allegation against the petitioners is that they suppressed the earlier marriage of the first accused Muthukumar along with one Helen Ida and thereafter they performed marriage with the defacto complainant. In order to attract the provision under Section 420 of IPC there are no any materials. Further in the First Information Report not even stated about any dishonest intention from the inception in order to constitute the offence under Section 420 of IPC and only single word stated that these petitioners also abetted for the marriage.



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8. Therefore there are no materials to constitute the offence as against the petitioners, and thereby the pending First Information Report is liable to be quashed.

9. Accordingly the Criminal Original Petition stands allowed and the First Information Report in Crime No.52 of 2021 on the file of the first respondent is hereby quashed. Consequently connected miscellaneous petition stands closed.

01.04.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
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To

1. The Inspector of Police
SIPCOT Police Station
Thoothukudi District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL, J.

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