



*Crl.O.P.(MD) No.14253 of 2024*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

DATED : 18.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE P.DHANABAL**

CRL. OP(MD). No.14253 of 2024

and

Crl.M.P(MD)No.8892 of 2024

M.Chezhian

... Petitioner

Vs.

1. The Inspector of Police  
Cantonment- All Women Police Station  
Trichy

2.Umadevi

... Respondents

**PRAYER:** Criminal Original Petition filed under Section 528 of BNSS to call for the entire records pertaining to the impugned First Information Report in Crime No.08 of 2024 dated 11.04.2024 registered on the file of the first respondent police under Sections 294(b),323,494 of IPC r/w. Section 4 of TNPHW Act.

|                 |                                                 |
|-----------------|-------------------------------------------------|
| For Petitioner  | : Mr. R.C.Paul Kanagaraj<br>for Mr.S.M.Ramasiva |
| For Respondents | : Mr.M.Sakthi Kumar                             |
| No.1            | Government Advocate (Crl. Side)                 |
| No.2            | : Mrs. Seeni Syed Amma                          |

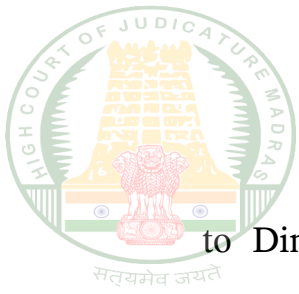


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## **ORDER**

**WEB COPY** This Criminal Original Petition has been filed to quash the First Information Report in Crime No.08 of 2024 dated 11.04.2024 registered on the file of the first respondent police.

2. The case of the prosecution is that the second respondent/defcto complainant lodged a complaint before the learned Judicial Magistrate, Additional Mahila Court, Trichy under Section 156(3) of Cr.P.C., alleging that the accused married the defacto complainant on 09.07.2009 at Swamimalai, Kumbakonam by exchanging garland knowing that she is a divorcee and having a female child. The said marriage was registered on 17.09.2009 in No. 369/2009. While they were living as husband and wife frequently the accused harassed and assaulted the defacto complainant. While so, in the year 2017, the accused assaulted the defacto complainant and broken her teeth, thereby she had taken treatment at Punnagai Hospital. Thereafter the accused was transferred to Nagercoil and then he had taken the defacto complainant to Nagercoil and there he threatened the defacto complainant not to reside there, thereafter the defacto complainant was shifted to Dindigul Gandhigramam where she is working as Assistant Professor .While so the accused was also transferred



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to Dindigul there also the accused caused cruelty to the defacto complainant. Thereafter the accused was transferred to Tirunelveli where he assaulted her and she sustained injuries in her head and had taken treatment at TDTA Bellpins Indrani Chelladurai Mission Hospital on 27.01.2020. At that time the accused falsely stated that the petitioner fell down. Thereafter the defacto complainant came to know that the accused had another wife and child. When the same was questioned by the defacto complainant he assaulted the defacto complainant in a black and blue manner. The accused suppressing the first marriage by forging documents had registered the marriage with the defacto complainant and he also abused her in filthy language and also assaulted her, thereby she preferred a complaint before the learned Magistrate and the same was forwarded to the first respondent police and they registered a case in Crime No.8 of 2024 for the offences under Sections 294(b),323,494 of IPC and Section 4 of TNPHW Act.

3. The learned counsel appearing for the petitioner would submit that there is a matrimonial dispute pending between the petitioner and the second respondent and thereby she lodged a false complaint before the learned Magistrate and the learned Magistrate without any *prima facie*



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materials forwarded the same to the first respondent police and they also registered a case in Crime No.8 of 2024 for the offences under Sections 294(b), 323, 494 of IPC and Section 4 of TNPHW Act.. Infact all the allegations are baseless and no any specific allegations and the allegations are vague and general allegations. More over the second respondent is a divorcee and she only forced the petitioner to marry her and due to the compulsion of the defacto complainant he married the defacto complainant by exchanging garland at Swamimalai and thereafter it was registered on 17.09.2009. The second respondent insisted the petitioner to include her name in the service records but the same was refused by the petitioner, thereby she filed a false complaint. Already HMOP No. 591 of 2023 is pending. Therefore now with false allegations this complaint has been lodged. Therefore the pending First Information Report is abuse of process of law and the same is liable to be quashed.

4. The learned Government Advocate(Crl.Side) appearing for the first respondent would submit that there is a matrimonial dispute pending between the parties. The marriage between the petitioner and the second respondent was also registered. After marriage the petitioner harassed the second respondent thereby she lodged a complaint before the learned



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Judicial Magistrate, Additional Mahila Court, Trichy under Section 156(3) of Cr.P.C., and the same was forwarded to the first respondent and first respondent registered a case in Crime No.8 of 2024 for the offences under Sections 294(b), 323, 494 of IPC and Section 4 of TNPHW Act and now the investigation is still pending. At this stage they have to conduct elaborate investigation and thereby the petition is liable to be dismissed.

5. The learned counsel appearing for the second respondent/defacto complainant reiterated the arguments of the first respondent and she also stated that the petitioner harassed the defacto complainant and he also suppressing the first marriage got second marriage with the defacto complainant. The petitioner assaulted the victim, abused her using obscene words and also made life threat, thereby there are specific allegations, as per the complaint and the First Information Report. The matter needs elaborate investigation and at this stage the petition is liable to be dismissed.

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



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7. In this case there is no dispute that the marriage between the petitioner and the defacto complainant was solemnized on 07.09.2009 and the marriage was also registered on 17.09.2009. While so the second respondent lodged complaint before the learned Magistrate under Section 156 (3) of Cr.P.C., and the learned Magistrate after satisfying that there are *prima facie* materials available has forwarded the same to the first respondent police and they registered a case in Crime No.8 of 2024 for the offences under Sections 294(b),323,494 of IPC and Section 4 of TNPHW Act. On a careful perusal of the complaint there are some allegations to constitute the offence and the Magistrate also after satisfying that there are *prima facie* materials available to constitute the offence forwarded the same to the first respondent and now the case is under investigation by the first respondent and it needs elaborate investigation. At this stage the prayer of the petitioner to quash the First Information Report cannot be considered. It is well settled law that when there are serious allegations in the First Information Report and the complaint, the same cannot be quashed without elaborate investigation. In this case due to matrimonial dispute there are so many allegations levelled as against this petitioner and therefore it needs elaborate investigation.



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**WEB COPY** 8. In view of the same this petition has no merits and deserves to be dismissed. Accordingly the Criminal Original Petition stands dismissed. Consequently connected miscellaneous petition stands closed.

**18.03.2025**

Internet :Yes  
Index :Yes/No  
NCC :Yes/No  
aav

To

1. The Inspector of Police  
Cantonment- All Women Police Station  
Trichy
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**P.DHANABAL, J.**

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