



Crl.R.C.(MD)No.1005 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C(MD)No.1005 of 2025
and
Crl.M.P(MD)No.10565 of 2025

1.Mahendran
2.Umamaheshwari
3.Paramasivan
4.Chandrasekaran
5.Maharasi
6.Krishnamoorthy

... Petitioners/Petitioners

Vs.

1.The State,
Represented by the Inspector of Police,
All Women Police Station,
Virudhunagar District.
(Crime No.10/2020)

... Respondent/1st Respondent

2.Umamaheshwari

... Respondent/2nd Respondent

Prayer : Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023 to call for the records in Crl.M.P.No.581 of 2023 dated 14.07.2025 on the file of the Learned Judicial Magistrate Court No.2, Virudhunagar District to seek set aside and allowed the discharge petition for this Petitioners.



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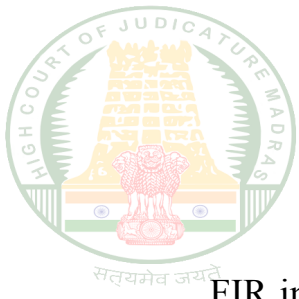
Crl.R.C.(MD)No.1005 of 2025

For Petitioner : Mr.S.Selvakumar
For R1 : Mr.M.Sakthikumar
Government Advocate (Crl.Side)

ORDER

Challenging the order passed by the learned Judicial Magistrate No.II, Virudhunagar in Crl.M.P.No.581 of 2023 in C.C.No.128 of 2021, dated 14.07.2025, this criminal revision case is filed.

2. The petitioners herein are the Accused Nos.2 to 7 before the learned Trial Court. The 1st accused is the husband of the *defacto* complainant and the 8th accused is a woman who is alleged to have married the 1st accused before his marriage with the *defacto* complainant. The claim of the *defacto* complainant is that suppressing the marriage of the 1st accused with the 8th accused, Accused Nos.2 to 7 who are his brother's wife and maternal uncle have together arranged this marriage with the *defacto* complainant. Pursuant to the same, when the *defacto* complainant came to know about the prevailing previous marriage of the 1st accused with the 8th accused, since she questioned the same, she was subjected to harassment by all the accused persons together, for which,

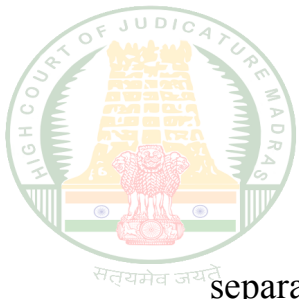


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FIR in Crime No.10 of 2020 came to be registered by the 1st respondent police, which culminated in filing of C.C.No.128 of 2021 before the learned Trial Court. On filing of the final report by the 1st respondent police, Accused Nos.1 to 7 have filed a discharge petition before the Trial court and the same came to be dismissed. Challenging the same, this criminal revision is filed.

3. The learned counsel for the petitioners submitted that the *defacto* complainant lived in her matrimonial home along with the 1st accused only for 4 days and immediately alleging that he was earlier married to the 8th accused, she had left her matrimonial home voluntarily and petition for divorce was also filed by her in H.M.O.P.No.3 of 2022 on the file of Sub Court, Virudhunagar, in which already divorce has also been granted. Pending divorce proceedings, she had lodged a criminal complaint with false allegations. It was further urged that the 1st accused never ever married the 8th accused at any point of time. The 1st and 8th accused were classmates during their school days. When they attained the age of 17, they together eloped. However, since they have not attained the age of majority, the situation warranted them to get

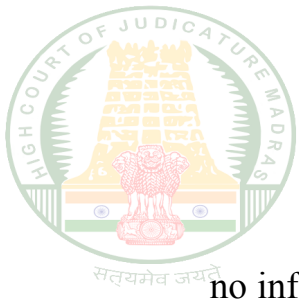


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separated. After separation, the parents of the 8th accused arranged marriage with one Kannan. Through her first marriage, she has 9 years old child and he has no connection with 8th accused at all and the allegation that he is married to the 8th accused is completely incorrect and pressed for allowing the criminal revision case by setting aside the order passed by the learned Trial Court.

4. Per contra, the learned Government Advocate (Crl.Side) submitted that the 1st accused was living together with the 8th accused and the 1st accused is Police Constable who was serving in Ooty. Despite knowing the affair which is being maintained by the 1st accused with the 8th accused, these petitioners have arranged the marriage of the 1st accused compelling him to marry the *defacto* complainant. After marrying the *defacto* complainant, the 1st accused was cold hearted enough to take the 8th accused and live together with her at Ooty. Only under such circumstances, she had lodged a complaint against all the accused. It is only because of these petitioners, the marriage between the 1st accused and the *defacto* complainant had happened and hence, they are fully responsible for what had happened and the impugned order has



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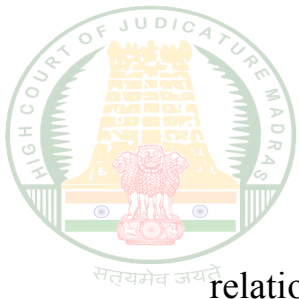
no infirmity and pressed for dismissal of the criminal revision case.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl.Side) for the 1st respondent and perused the materials available on record.

6. The learned Trial Court rightly perusing the final report and other documents and the list of witnesses, came to a conclusion that the case is not fit to be discharged and the reality behind the facts and circumstances as projected by the petitioners could be substantiated only after a full-fledged trial and had dismissed the discharge petition. For which, he had relied upon a judgment in *N.Balasubramanian & Another Vs. The Inspector of Police, CBI¹, Onkar Nath Mishra & Others Vs. State (NCT of Delhi) & Another²*. I do not find any infirmity in the same. It is very clear from the submissions of either parties that the 1st accused and the 8th accused had relationship from their school days and after the demise of the husband of the 8th accused, obviously the

¹ 2015 (1) L.w Crl.485

² 2008 2 L.w Crl.955 and 2008 2 SSC 561



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relationship had revived. The petitioners ought to have arranged a marriage between the 1st accused and 8th accused and facilitated their peaceful living. On the other hand, suppressing the relationship maintained by the 1st accused with the 8th accused, they have arranged marriage with the defacto complainant and spoiled her life. It is the responsibility of the parents to handle with the sensibilities of their children who fall in love with utmost social responsibility. I do not find any infirmity in the impugned order passed by the learned Trial Court.

7. Accordingly, this Criminal Revision Case is dismissed.
Consequently, connected Miscellaneous Petition is closed.

19.08.2025

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

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- To
- 1.The Judicial Magistrate Court No.2,
Virudhunagar District.
 - 2.The Inspector of Police,
All Women Police Station,
Virudhunagar District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI ,J.

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Order made in
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