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Crl.O.P.No.1848 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2026

CORAM:

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

Crl.O.P.No.1848 of 2023 and
Crl.MP.Nos.1025 & 1026 of 2023

Ravichandran

... Petitioner

Vs.

1.STATE BY THE INSPECTOR OF POLICE,
All Women Police Station,UDUMALPET
(CRIME NO.25/2022)

2.KAVIKANI

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C. to call for the records in CC No.254 of 2022 on the file of the learned Judicial Magistrate No.I, Udumalpet and to quash the same

For Petitioner : Mr.B.Kumarasamy

For Respondents

For R1 : Mr.L.Baskaran,
Government Advocate(Crl.side)

For R2 : No appearance

ORDER

This criminal original petition has been filed praying to quash the proceedings in CC.No.254 of 2022 on the file of the learned Judicial Magistrate-I, Udumalpet.



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2. The petitioner is the accused in the complaint lodged by the second respondent. On receipt of the said complaint, the first respondent registered FIR in crime No.25 of 2022 for the offence punishable under Section 498A of IPC. After completion of investigation, final report was filed and the same was taken cognizance by the trial court for the charge under Section 498A of IPC on the allegation that the second respondent got marriage with the petitioner on 04.04.2014. Their marriage was a love marriage and without permission / consent of both the family members. After the marriage, the matrimonial home was set up at the petitioner's house. However, after period of 1 ½ years, the second respondent left the matrimonial home without any reason and is now living with her parents' house. Though there was negotiation between both the families, the second respondent refused to rejoin with the petitioner. Therefore, the petitioner filed petition for divorce before the Sub Court, Udumalpet in HMOP.No.84 of 2016. Thereafter, the second respondent filed complaint alleging that while living together, the petitioner tortured her mentally. That apart, the petitioner filed petition for divorce and obtained *ex-parte* order.

3. On perusal of the records, it is revealed that admittedly the petitioner filed petition for divorce in HMOP.No.84 of 2016 before the

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Sub Court, Udumalpet and obtained divorce decree on 14.06.2017 since the second respondent, after receipt of notice, failed to appear before the trial court. After period of more than 2 years, the second respondent filed petition to set aside the said exparte order in IA.No.201 of 2019 and it is pending before the Family Court. After period of two years from the date of filing the petition for setting aside the *ex-parte* decree, the second respondent filed complaint on 31.08.2021. Admittedly, the second respondent got separated from the petitioner even in the year 2016 itself. Panchayat was held in the year 2016 and the second respondent refused to live with the petitioner. Therefore, without any option, the petitioner filed petition for divorce. Therefore, the present complaint has been filed after period of five years from her separation from the petitioner. In fact, on receipt of the complaint, the first respondent referred the complaint before the Social Welfare Officer. The Social Welfare Officer conducted enquiry and submitted report. Only on the basis of the said report, the second respondent registered FIR. However, there is absolutely no specific allegation against the petitioner to attract the offence under Section 498 of IPC. Even on perusal of her statement and also other documents, which were annexed along with the charge sheet, there is no whisper to attract the ingredients for the offence under Section 498 of IPC. Mere filing of divorce petition, would not amount to cruelty. That

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apart, the complaint has been lodged after period of five years from the date of their separation and also the divorce petition filed by the petitioner. In fact after filing the petition to set aside the *ex-parte* decree, two years later, the second respondent filed complaint. It is nothing but only to escape from the clutches of divorce petition filed by the petitioner, which is clear abuse of process of law and as such, the entire impugned proceedings against the petitioner cannot be sustained and the same is liable to be quashed.

4. Accordingly, the entire proceedings in CC.No.254 of 2022 on the file of the learned Judicial Magistrate-I, Udumalpet is quashed and this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

06.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To
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- 1.The learned Judicial Magistrate No.I, Udumalpet
- 2.INSPECTOR OF POLICE,
All Women Police Station,UDUMALPET



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G.K.ILANTHIRAIYAN, J.

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