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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 18893 of 2026

CNR:{HCMA011578462026}

and

CRL MP Nos. 12588 and 12590 of 2026

M.Ganesh
S/o Mani,
No.52/D, 11th Street,
Koteeswaran Nagar,
Pettai,
Tirunelveli.

..Petitioner(s)

Vs

1. The State Rep By,
   The Inspector of Police
   AWPS,
   Ennore,
   Crime No.08 of 2025
2. M.Sindhu
   W/o G.Manivannan,
   No.2/68, Perumal Kovil Street,
   Periya Mathur,
   Chennai.

..Respondent(s)

PRAYER:Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to call for the records pertaining to the CC.No.75 of 2026 in Crime No.08 of 2025 on the file of the learned Judicial Magistrate, Thiruvottiyur and quash the same

For Petitioner(s): M/s.J.Jaya Bharath
For Respondent(s): Mr.A.Amarnath
Additional Public Prosecutor for R1
Mr.R.Dhamodaran- for R2

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ORDER

This petition has been filed to quash the proceedings in CC No.75 of 2026 pending on the file of the learned Judicial Magistrate, Thiruvottiyur, thereby taken cognizance for the offences under Sections 318(2(and 318(4) of the Bharathiya Nyaya Sanhita, 2023, read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2.The case of the prosecution is that the second respondent/de-facto complainant came into contact with the petitioner/accused through Bharat Matrimony, pursuant to which a marriage proposal was mooted with the consent of both families. Their betrothal ceremony was held on 03.09.2023, during which, the complainant's family presented fifteen sovereigns of gold jewellery to the accused. On the very same day, the accused demanded a car worth approximately Rs.25,00,000/- and a sum of Rs.10,00,000/- in cash. After the engagement, the accused made derogatory remarks about the complainant's appearance and refused to marry her. In the meantime, the accused had also physical relationship with the de-facto complainant on the pretext of promise to marry her. Further, when the de-facto complainant sought the return of the jewels and reimbursement of the expenses incurred toward the engagement ceremony, the accused returned only six sovereigns of gold jewellery. Based on the complaint lodged by the de-facto complainant, the first respondent police

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registered a case in Crime No.08 of 2025 for the offences punishable under Sections Sections 318(2(and 318(4) of the Bharathiya Nyaya Sanhita, 2023, read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. After completion of investigation, the first respondent police filed a final report and the same was taken cognizance by the trial Court.

3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.On a perusal of the records and considering the submissions made on either side, it is revealed that the accused and the de-facto complainant admittedly became acquainted with each other through Bharat Matrimony and subsequently got engaged to be married. During the betrothal ceremony, the second respondent presented fifteen sovereigns of jewellery to the accused, whereas the accused, in turn, presented nine sovereigns of gold jewellery to the de-facto complainant. That apart, during the pending of the enquiry into the first complaint lodged by the second respondent, the accused returned nine sovereigns of gold jewellery. Therefore, the remaining three sovereigns of gold jewellery are in the custody of the de-facto complainant.

5.In order to substantiate the allegations that the accused had sexual intercourse with the de-facto complainant on three occasions, thereafter body-

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shamed her, made derogatory remarks against her and ultimately, refused to marry her, it is relevant to note that the de-facto complainant initially lodged a complaint on 05.10.2023 before the Inspector of Police, Madhavaram Police Station, Chennai. In the said complaint, she stated that they had become acquainted through Bharat Matrimony and that their marriage was arranged with the consent of both families. Prior to the marriage, their betrothal ceremony was held on 03.09.2023, during which the complainant and her family members presented fifteen sovereigns of gold jewellery to the accused. They had also paid a sum of Rs.25,000/- towards his clothing expenses. Apart from that, they incurred a sum of Rs.5,50,000/- towards the betrothal ceremony. Thereafter, the accused allegedly body-shamed her and made derogatory remarks through Whatsapp messages. Further, he allegedly compared the de-facto complainant with her sister-in-law and repeatedly humiliated her. Ultimately, he refused to marry her. Upon receipt of the said complaint, the Investigating Officer conducted an enquiry, during which the accused returned nine sovereigns of gold jewellery.

6.That part, during the betrothal ceremony, the accused had also presented nine sovereigns of gold jewellery to the complainant. Thereafter, the complaint was dropped. Once again, on 21.09.2024, the de-facto complainant lodged another complaint alleging the very same set of allegations. Further, on 30.09.2024, she also caused a legal notice to the accused raising the very same

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set of allegations. In both the complaints and the legal notice, the de-facto complainant did not even whisper about the allegation that the accused had a sexual relationship with her on the pretext of marriage. Based on the second complaint dated 21.09.2024, the first respondent registered an FIR, on 01.03.2025. While registering the FIR, the first respondent included one line which was not found in either the complaint dated 21.09.2024 or the legal notice dated 30.09.2024, to the effect that the accused had misbehaved with the de-facto complainant. In fact, she had not even alleged that the accused had a sexual relationship with her. However, during the pendency of the investigation, the de-facto complainant made a statement alleging that the accused had sexual intercourse with her. Therefore, the said allegation appears to be an afterthought, made with an intention to implicate the accused in the present case. Therefore, no prima facie case is made out against the accused for the offences as alleged by the prosecution. However, the accused is now ready and willing to compensate the de-facto complainant for the expenses incurred towards the betrothal ceremony, to the tune of Rs.3,00,000/-.

7. In view of the above facts and circumstances, this Court is inclined to quash the entire proceedings in CC No.75/2026 pending on the file of Judicial Magistrate, Thiruvottiyur.

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8.Accordingly, the proceedings in CC No.75 of 2026 pending on the file of Judicial Magistrate, Thiruvottiyur, is hereby quashed as against the petitioner/accused, subject to the condition that he shall pay a sum of Rs.3,00,000/- directly to the de-facto complainant and produce the acknowledgment of receipt before the first respondent on or before 14.12.2026, failing which this order shall stand automatically cancelled, and consequently, this Criminal Original Petition stands allowed. The trial Court is directed to proceed with the trial in accordance with law, in the event of non-compliance with the aforesaid condition. Consequently, connected miscellaneous petitions are closed.

30-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

1. The Judicial Magistrate, Thiruvottiyur.

2. The Inspector of Police
   AWPS,
   Ennore,
   Crime No.08 of 2025

3. The Public Prosecutor
   High Court of Madras.

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G.K.ILANTHIRAIYAN J.

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