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CrI.O.P.No.30921 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2026

CORAM:

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

CrI.O.P.No.30921 of 2022 and
CrI.MP.Nos.18924 & 18925 of 2022

1.ELANGO
2.CHINNAIYA
3.VIJAYA
4.BALU @ BALAMURUGAN
5.TAMILSELVAN
6.KANNAN

... Petitioners

Vs.

1.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, NEYVELI, CUDDALORE
DISTRICT(CR.NO.4 OF 2022)
2.LATHA

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C.
praying to call for the records / charge sheet filed in C.C.No.143 of 2022
dated 02.06.2022 on the file of the Judicial Magistrate Cum District
Munsiff Court, Neyveli, Cuddalore District and quash the same.

For Petitioners : Mr.M.L.Ramesh

For Respondents

For R1 : Mr.A.Gopinath,
Government Advocate(crl.side)

For R2 : Mr.M.Varun Pandian



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ORDER

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This criminal original petition has been filed to quash the proceedings in C.C.No.143 of 2022 dated 02.06.2022 on the file of the Judicial Magistrate Cum District Munsiff Court, Neyveli, Cuddalore District.

2. The case of the prosecution is that the second respondent had seen online advertisement given by the first accused with regards to the matrimonial tie up and she accepted for marriage. The first accused suppressed the fact that he got already married and it was subsisting. Thereafter, the marriage was conducted in a local temple by tying a 'thali'. However the registration was not possible for want of Village Administrative Officer certificate. When the second respondent wanted to live with the first petitioner, the other petitioners did not allow her to live with the first petitioner. They did not even provide any food to her. In fact, the second respondent was made to stay at hotel with her husband for some days. Thereafter a handicapped lady came and complained that she got married with the first petitioner and she was settled with money by the first petitioner. All the petitioners herein threatened her with dire consequences. Therefore the second respondent lodged complaint on

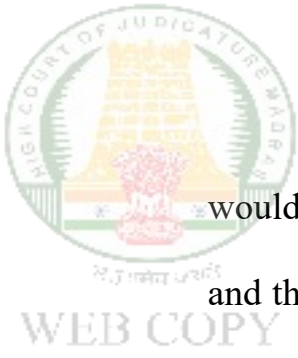


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07.03.2022. On receipt of the said complaint, the first respondent registered FIR in crime No.4 of 2022 for the offence punishable under Sections 417, 498(A) and 506(i) of IPC. After completion of investigation, final report was filed and the same was taken cognizance by the trial court and charges were framed against the petitioners for the offences punishable under Sections 417, 498(A) & 506(i) of IPC.

3. The learned counsel appearing for the petitioners would submit that the second respondent even failed to prove her marriage with the first petitioner. No marriage was taken place between the first petitioner and the second respondent herein. Though the second respondent alleged that the first petitioner cheated several ladies, it is not substantiated by any material evidence. Even as per the complaint and her statement, no offence is made out under Section 417 of IPC. The second respondent never lived with the first petitioner as his wife. Except the second respondent, no one has spoken about any specific overt act as against the petitioners to attract any of the charges. Therefore, the entire proceedings is nothing but clear abuse of process of law and the same is liable to be quashed.

4. The learned counsel appearing for the second respondent



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would submit that the first petitioner got married the second respondent and thereafter left her in lurch. In fact, the other petitioners 2 to 6 did not even allow her to enter the matrimonial house and they stayed in hotel. Thereafter, the second respondent came to knowledge that the first petitioner got married three ladies and they were settled by giving money. Suppressing those facts, the first petitioner married the second respondent herein and cheated her. All the charges are clearly made out as against the petitioners and the grounds raised by the petitioners cannot be considered on its threshold, As such, the learned counsel appearing for the second respondent prayed for dismissal of the quash petition.

5. The learned Government Advocate(crl.side) appearing for the first respondent submitted that after completion of investigation, the first respondent filed final report for charges under Sections 417, 498(A) and 506(i) of IPC. There are specific allegations against each of the petitioners to attract those charges under Sections 417, 498(A) and 506(i) of IPC. Therefore, the grounds raised by the petitioners can be considered only during trial by letting in evidence. As such, he prayed for dismissal of the quash petition.



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6. Heard the learned counsel appearing on either side and perused all the materials placed before this Court.

7. On perusal of records and also on the submissions made by both the counsels, it is revealed that the second respondent made bald and vague allegations without any substance to attract any of the charges. Even according to the second respondent, the first petitioner advertised through online matrimony and the second respondent accepted for marriage stating to be the first marriage. Thereafter, marriage was solemnised in a temple, that too 'thali' was tied in the presence of one handicapped lady who was sitting in the temple. The second respondent did not even whisper about the date of marriage and the way in which the marriage was solemnised. Further, there is no evidence to show that the second respondent was living with the first petitioner. In fact, their marriage was not even registered with the registering authority. No ceremonies of Hindu Marriage Act were performed. Therefore, the second respondent failed to prove that she is the wife of the first petitioner. The second respondent further alleged that the first petitioner got married three ladies for which there is absolutely no piece of evidence produced by the second respondent. Therefore, even assuming that her marriage is substantiated, there is no question of cheating at the hands of

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the first petitioner since the second respondent did not produce any piece of evidence to show that the first petitioner got marriage three ladies and suppressing the said fact, he married the second respondent. When the marriage between the first petitioner and the second respondent itself was not proved with any substantial material, there is no question of cheating at the hands of the first petitioner to attract the offence under Section 415 of IPC. In the entire complaint, she alleged that there was dowry demand even prior to marriage and after the marriage. However no one has spoken about the same to attract the charges under Section 498(A) of IPC. The second respondent also failed to mention the date, month or year on which the petitioners demanded dowry and also tortured her. All the allegations are bald and vague and as such, charges under Section 498(A) of IPC is not at all made out as against the petitioners. Insofar as the offence under Section 506(i) of IPC, there is no specific allegation in order to attract the same.

8. In respect of the charge under Section 417 of IPC, it is well settled that in order to bring the charge for the offence under Section 420 of IPC:

*(i) the accused must fraudulently or dishonestly made
some false compromise.*



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(ii) *the defacto complainant must act on the strength of such false representation or compromise.*

9. In this regard, it is relevant to rely upon the judgment made by the Honourable Supreme Court of India in the case of ***M/s. Indian Oil Corporation Vs. NEPC India Limited and others [(2006) 6 SCC 736]***, held that the civil liability cannot be converted into criminal liability and it is necessary to take notice of a growing tendency in business circle to convert purely civil dispute in criminal case. This is obviously on account of prevalent impression that civil law remedies are time consuming and do not adequately protect the interest of lender/creditors. Such a tendency is seen in several family disputes also, leading to irretrievable breakdown of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claim which do not involve any criminal offence by applying pressure through criminal prosecution should be deprecated and dishonoured.

10. In the case of ***G.Sagar Suri Vs. State of Uttar Pradesh [2000 (2) SCC 636]***, the Honourable Supreme Court of India held as follows:-



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“It is to be seen if a matter, which is essentially of civil nature, has been given a cloak of criminal offence, criminal proceedings are not a short cut of other remedies available in law. Before issuing process a criminal Court has to exercise a great deal of caution. For the accused it is a serious matter. This Court has laid certain principles on the basis of which High Court is to exercise its jurisdiction under Section 482 of the Code. Jurisdiction under this Section has to be exercised to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

11. The above judgments are squarely applicable to the case on hand. Therefore, the entire proceedings in C.C.No.143 of 2022 dated 02.06.2022 on the file of the Judicial Magistrate Cum District Munsiff Court, Neyveli, Cuddalore District is quashed and this criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

02.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

1. Judicial Magistrate Cum District Munsiff Court, Neyveli, Cuddalore District

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, NEYVELI, CUDDALORE DISTRICT



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