



Crl.O.P(MD)No.2515 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.2515 of 2026

D.Uthamapreethi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by the Director General of Police,
Santhome,
Chennai.

2.The Inspector General of Police,
South Zone,
Tallakulam,
Madurai.

3.The Superintendent of Police,
Virudhunagar.

4.The Inspector of Police,
All Women Police Station,
Rajapalayam,
Virudhunagar.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the respondents to take appropriate action on the basis of the petitioner's complaint for having contracted with another lady as



Crl.O.P(MD)No.2515 of 2026

against the petitioner's husband on the basis of the petitioner's complaint dated 17.09.2025 followed by another complaint dated 19.01.2026.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)

ORDER

This Criminal Original Petition has been filed to to direct the respondents to take appropriate action on the basis of the petitioner's complaint dated 17.09.2025 followed by another complaint dated 19.01.2026.

2. The learned counsel for the petitioner submitted that the petitioner and her husband, namely Balamurugan got married on 01.06.2012. Thereafter, the petitioner was thrown out of her matrimonial home by her husband and in-laws in the year 2019. In this regard, the petitioner has already given a complaint and F.I.R in Crime No.1 of 2020 was registered as against her husband and others for the offences under Sections 498(A), 294(b), 406 & 506(1) of IPC and domestic violence case, maintenance case and divorce petition are also



Crl.O.P(MD)No.2515 of 2026

pending before various Courts. In the meanwhile, it is understood that the petitioner's husband had married again during the subsistence of the marriage with the petitioner. Hence, the petitioner had lodged a complaint before the 3rd respondent police on 17.09.2025 which was followed by another complaint on 19.01.2026. However, there is no positive response from the respondent police. Hence, this petition.

3. The learned Government Advocate (Crl.Side) submitted that already many criminal cases are filed by the petitioner. One of the private complaint filed by the petitioner before the learned Judicial Magistrate, Rajapalayam in Crl.M.P.No.970 of 2025 is also same set of facts.

4. Heard the learned counsels on either side and perused the materials available on record.

5. The submission made by the learned Government Advocate(Crl.Side) is not sustainable for the reason that whenever a



Crl.O.P(MD)No.2515 of 2026

new criminal act is done by a certain person, a new cause of action would arise warranting the respondent police to indulge the matter and take necessary steps to initiate criminal action as against the offender. In the instant case, the petitioner was earlier subjected to domestic violence by her husband, for which she had lodged a complaint and the 4th respondent police had duly registered Crime No.1 of 2020 as against the husband and others and a final report has also been filed in C.C.No. 289 of 2020 and the same had ended in acquittal of the petitioner's husband. However, now the new set of facts which is put forth by the learned counsel for the petitioner is that during the subsistence of his marriage with the petitioner, he had married again. In this regard, she has given a given fresh complaint. Since the petitioner has given a representation with respect to the petitioner's husband having married another woman during the subsistence of her marriage with her, as rightly pointed out by the learned Government Advocate(Crl.Side) that under Section 219 of BNSS, only by way of a private complaint, the petitioner could seek remedy for the same as the police cannot act upon the complaint with respect to bigamy.



Crl.O.P(MD)No.2515 of 2026

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6. This Court is of the considered view that though the petitioner has already filed a private complaint in Crl.M.P.No.970 of 2025 on the file of the Judicial Magistrate, Rajapalayam in this regard, considering the fact that the petitioner's husband is a person serving in the uniform service as Grade-II Police Constable, I find it necessary that the department should indulge. In this regard the 3rd respondent police is directed to take appropriate departmental action against the husband of the petitioner, namely Balamurugan (2381), Grade – II Police Constable, after affording an opportunity of personal hearing to the parties.

7. With the above directions, this Criminal Original Petition stands disposed of. Post on 23.02.2026 for reporting compliance.

09.02.2026

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

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5/7



Crl.O.P(MD)No.2515 of 2026

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Note : Issue order copy on 19.02.2026.

To

- 1.The State of Tamil Nadu,
Represented by the Director General of Police,
Santhome,
Chennai.
- 2.The Inspector General of Police,
South Zone,
Tallakulam,
Madurai.
- 3.The Superintendent of Police,
Virudhunagar.
- 4.The Inspector of Police,
All Women Police Station,
Rajapalayam,
Virudhunagar.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P(MD)No.2515 of 2026

L.VICTORIA GOWRI, J.

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Crl.O.P(MD)No.2515 of 2026

09.02.2026