



CrI.O.P.(MD)No.9416 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **13.02.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

CrI.O.P.(MD)No.9416 of 2024
& CrI.M.P.(MD)No.6436 of 2024

Saravanan

... Petitioner

Vs.

1.The Inspector of Police,
Alangudi AWPS Police,
Pudukkottai District.
Crime No.1 of 2020

2.M.Birndha Devi

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records pertaining to CC No.38/2023 on the file of learned District Munsif Cum Judicial Magistrate Court, Alangudi, Pudukkottai and quash the same as against these petitioner alone.

For Petitioner : Mr.M.Anbarasan
for M/s.KBS Law Office

For Respondents : Mr.M.Sakthi Kumar (R1)
Government Advocate
Ms.A.Banumathy (R2)



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ORDER

This Criminal Original Petition is filed seeking to quash the proceedings in CC No.38/2023 on the file of learned District Munsif Cum Judicial Magistrate Court, Alangudi, Pudukkottai, as against the petitioner herein.

2. The petitioner is the fourth accused in the pending criminal case before the trial court. He is the maternal uncle of the first accused, who is the husband of the defacto complainant. The defacto complainant had lodged a complaint against her husband and his family. Pursuant to the complaint, an FIR was registered in Crime No. 1 of 2020 by the first respondent police against four persons. Upon completion of the investigation, a charge sheet was filed in CC No. 38 of 2023 before the District Munsif Cum Judicial Magistrate Court, Alangudi, Pudukkottai, for the offences under Sections 498(A), 406, 495, 496, and 109 of the IPC, and Section 4 of the Dowry Prohibition Act, 1961.

3. The case of the prosecution is that the defacto complainant (second respondent) married the first accused, namely Sivanesan, on 16.09.2019. On the date of the marriage, the second respondent's parents provided 25 sovereigns of



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gold jewelry, a cash sum of Rs. 5,00,000/-, and seedhana articles worth Rs. 3,00,000/-. Despite receiving these gifts, the first accused demanded additional dowry and, at the instigation of the other accused, including the petitioner herein, drove the second respondent out of their shared matrimonial home. It is also alleged that the first accused was already married to one Thangamani seven years prior to his marriage with the defacto complainant and had a child from that marriage. The first accused is said to have concealed the fact of his previous marriage and fraudulently deceived the defacto complainant into marrying him again.

4. The learned counsel appearing for the petitioner submitted that the learned Judicial Magistrate ought not to have taken cognizance as against the petitioner merely based on a false complaint and the trial Court had failed to consider the statement of witnesses in proper perspective. He also pointed out that there is no substantial statement by any of the other witnesses as against the petitioner. He also categorically contended that according to the statement of LW2, the petitioner is totally unaware of the first marriage of the first accused. The trial Court failed to consider the statement of LW6, who is none other than the first wife of the first accused, which is relevant to the facts and circumstances of the allegations made by LW1, who is the defacto complainant.



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He also categorically contended that the petitioner was implicated only on the guise that he had aided the first accused to marry LW6, who is the first wife.

Whereas the statement of LW6 makes it clear that the first marriage between them was performed inside a rental house and it was a love marriage. None of the family members were present with them at that point of time. The first accused himself is solely responsible for the marriage with LW6 and neither the parents nor the maternal uncle knew anything about the first marriage and sought the indulgence of this Court.

5. Per contra, the learned Government Advocate contended that it is evasive on the part of the learned counsel appearing for the petitioner to claim that the maternal uncle of the first accused had no knowledge of his first marriage and, therefore, sought the dismissal of this petition.

6. The learned counsel for the second respondent submitted that the first accused, having married another woman and begetting a child and suppressed the factum of marriage, had spoiled the life of the defacto complainant by marrying her again. The petitioner herein is the maternal uncle of the first accused, one who made all the arrangements for the marriage between the first accused and the defacto complainant. In this way, he has to take the entire



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responsibility for having spoiled the life of the defacto complainant by arranging the marriage with a person, who is none other than his nephew, who is already a married man.

7. Heard the learned counsel on either sides and carefully perused the materials placed before this Court.

8. The learned counsel appearing for the petitioner drew my attention to the statement made by LW2, who is the mother of the defacto complainant. She clearly stated that the petitioner (the 4th accused) had no knowledge of the marriage between the first accused and her daughter, and that he is in no way connected to the marriage.

9. A clear perusal of the records reveals that the petitioner's place of residence and those of the other accused are in different villages. It is also evident that the first marriage of the first accused was a love marriage, which makes the possibility of a secret marriage quite explicit. A plain reading of the charge sheet itself shows that no specific overt act is established against the petitioner, and all the allegations are vague, sweeping, and, more particularly, related to a matrimonial discord between the defacto complainant and her



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husband. In view of this, this Court is of the considered opinion that the petitioner has been unnecessarily roped into the present case.

10. A careful perusal of the final report makes it clear that all the allegations are baseless. Even if the entire prosecution case is accepted as it stands, the essential ingredients for the offences under Sections 498(A), 406, 495, 496, and 109 of the IPC, and Section 4 of the Dowry Prohibition Act, 1961, are not clearly made out against the petitioner. The dispute between the parties is purely a matrimonial issue between the defacto complainant and the accused. Allowing the prosecution to proceed against the 4th accused, who is the petitioner herein, would serve no meaningful purpose other than subjecting him to unnecessary harassment. Criminal law cannot be used as a tool for arm-twisting or settling scores in a matrimonial dispute by dragging distant relatives into a criminal case, especially where the foundational facts necessary to constitute an offence are absent. Compelling an accused to endure the rigors of a trial under such circumstances would amount to an abuse of the process of law.

11. In view of the aforesaid observations, the final report in CC No. 38/2023 on the file of learned District Munsif Cum Judicial Magistrate Court,



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Alangudi, Pudukkottai is quashed as far as the fourth accused, who is the petitioner herein alone is concerned and the learned District Munsif Cum Judicial Magistrate Court, Alangudi, Pudukkottai shall proceed with the case as against all the other accused and conclude the trial in CC No.38/2023 on the file of learned District Munsif Cum Judicial Magistrate Court, Alangudi, Pudukkottai as expeditiously as possible within a period of six months from the date of receipt of copy of this order.

12. With the above direction, this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

13.02.2026

NCC : Yes / No
Index : Yes / No
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TO:-

1. The District Munsif Cum Judicial Magistrate Court,
Alangudi, Pudukkottai.
2. The Inspector of Police,
Alangudi AWPS Police,
Pudukkottai 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
CrI.O.P.(MD)No.9416 of 2024

Dated
13.02.2026