



Crl.OP(MD)No.21699 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.02.2026

PRONOUNCED ON : 01.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.21699 of 2024

and

Crl.M.P.(MD)No.1069 of 2024

Vivek

... Petitioner/Accused No.

Vs.

1. The State of Tamilnadu
Rep. by the Inspector of Police,
All Women Police Station Madurai Town,
Madurai City.
In Crime No. 17 of 2023

.... Respondent / Complainant

2. Selvamalar

.... Respondent /
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned charge sheet in C.C. No. 1496 of 2024 in Crime No.17 of 2023 on the file of learned Judicial Magistrate Additional Mahila Court, Madurai and quash the same.



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For Petitioner : Mr.Karthikeya Venkatachalapathy,
For Mr.K.Rajesh
For R-1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)
For R-2 : Mr.R.Ponkarthikeyan

ORDER

Prologue:

This Criminal Original Petition has been filed invoking the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashment of the final report filed in C.C.No.1496 of 2024 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai. The petitioner stands arrayed as the sole accused for the alleged offences under Sections 498-A and 506(i) IPC.

2. The present case projects a familiar yet delicate intersection between disputed marital claims, allegations of emotional exploitation, and the limited scope of interference by this Court at the stage of cognizance. While the petitioner seeks to portray the entire prosecution as a fabricated attempt to blackmail him and obstruct his proposed marriage with another woman, the



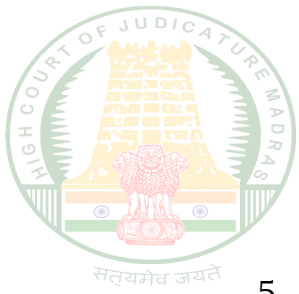
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prosecution and the *defacto* complainant contend that the petitioner, after having entered into a marital relationship with the second respondent, abandoned and threatened her while suppressing the said relationship.

3. The issue that therefore arises for consideration is not whether the petitioner would ultimately be convicted, but whether the materials collected during investigation disclose sufficient *prima facie* ingredients warranting continuation of the criminal prosecution. The distinction between a case fit for acquittal after trial and a case deserving quashment at threshold must be scrupulously maintained.

Case of the prosecution:

4. The prosecution case, in brief, is that the second respondent / defacto complainant lodged a complaint before the respondent police on 16.09.2023 alleging that the petitioner had married her on 25.01.2021 at Koodal Azhagar Temple, Madurai, in the presence of elders and relatives.



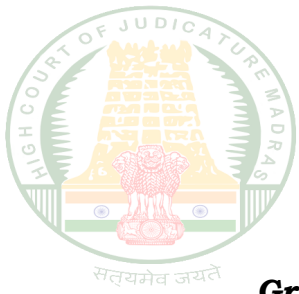
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5. It is the further allegation of the prosecution that after the said marriage, the petitioner received jewels weighing about five sovereigns from the *defacto* complainant and subsequently subjected her to cruelty and harassment. According to the prosecution, while the marital relationship was subsisting, the petitioner allegedly suppressed the earlier marriage and attempted to marry another woman by distributing invitation cards.

6. The complaint further discloses that when the *defacto* complainant questioned the conduct of the petitioner, he allegedly intimidated her with threats, thereby attracting the ingredients of Section 506(i) IPC.

7. On the basis of the said complaint, the respondent police registered a case in Crime No.17 of 2023 for offences under Sections 498-A and 506(i) IPC. Upon completion of investigation, a final report came to be filed before the learned Judicial Magistrate, Additional Mahila Court, Madurai, and the same was taken on file in C.C.No. 1496 of 2024.



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Grounds for quash:

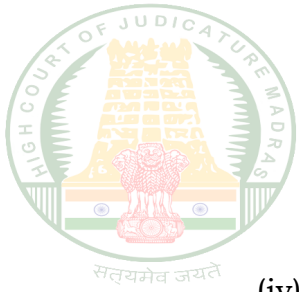
8. The learned counsel appearing for the petitioner would vehemently contend that the entire prosecution is false, malicious and instituted solely with an intention to extort money from the petitioner.

9. The principal grounds urged by the petitioner are as follows:

(i) The petitioner is aged about 29 years whereas the defacto complainant is more than 43 years old and had already married one Antony Samy and had children through the said marriage.

(ii) The defacto complainant was working as a supplier in the same hotel in which the petitioner was employed as a cashier and taking advantage of workplace acquaintance, she foisted a false complaint for illegal enrichment.

(iii) There is absolutely no documentary proof to establish the alleged marriage said to have taken place at Koodal Azhagar Temple on 25.01.2021.



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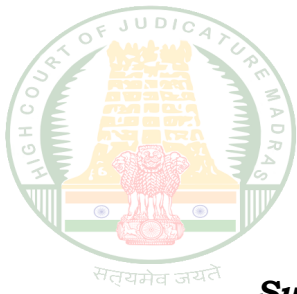
(iv) The petitioner had obtained information under the Right to Information Act from the temple authorities and the Joint Commissioner, HR & CE Department allegedly clarified that no marriage had taken place in the temple on the relevant date.

(v) On the date of the alleged marriage, the petitioner was allegedly attending another marriage function and photographs are said to substantiate his presence elsewhere.

(vi) The FIR and the final report allegedly contain contradictory versions regarding the place of marriage.

(vii) One Sasikala, who was allegedly present during the marriage ceremony according to the charge sheet, was not cited as a prosecution witness, thereby creating doubt regarding the prosecution story.

(viii) The prosecution has failed to establish the foundational factum of marriage and therefore the offence under Section 498-A IPC itself is not attracted.



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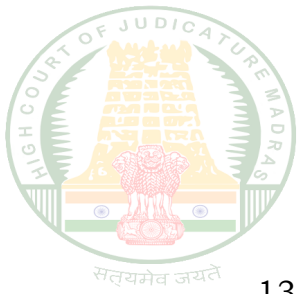
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Submissions on either side:

10. The learned counsel for the petitioner would submit that continuation of the criminal proceedings would amount to abuse of process of law since the prosecution lacks even the basic materials to establish a legally recognizable marriage.

11. The learned counsel would further submit that the alleged temple marriage is unsupported by any certificate, invitation, photograph or independent witness. According to the petitioner, the RTI reply obtained from the temple administration completely demolishes the prosecution case.

12. It is further argued that the age difference between the parties, the earlier marital status of the *defacto* complainant and the admitted workplace acquaintance probabalise the defence version that the complaint was lodged only to obstruct the petitioner's proposed marriage with another woman.



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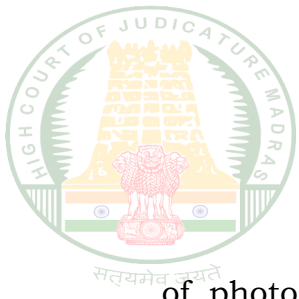
13. The learned counsel would further submit that the contradictions between the FIR and the final report regarding the place of occurrence strike at the very root of the prosecution case and therefore the continuation of criminal proceedings would amount to miscarriage of justice.

14. Reliance was placed upon the settled principles governing exercise of inherent powers under Section 528 BNSS corresponding to Section 482 Cr.P.C., particularly the principles laid down in ***State of Haryana v. Bhajan Lal***¹.

15. Per contra, the learned Government Advocate (Criminal Side) appearing for the first respondent would submit that the investigation has culminated in filing of a final report after collecting statements from witnesses acquainted with the relationship between the parties.

16. The learned Government Advocate would further submit that disputed questions relating to validity of marriage, appreciation

¹ 1992 Supp(1) SCC 335



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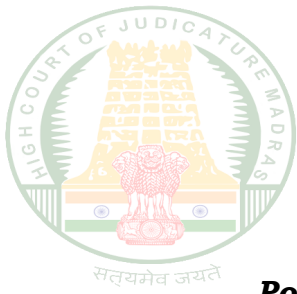
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of photographs, evidentiary value of RTI replies and credibility of witnesses cannot be adjudicated in a petition seeking quashment.

17. The learned counsel appearing for the second respondent would submit that the petitioner had maintained a marital relationship with the *defacto* complainant and after exploiting her emotionally and financially, attempted to disown the relationship and contract another marriage.

18. It is further contended that whether the marriage was formally solemnized inside the temple precincts or outside the temple premises is a matter of evidence to be tested during trial and cannot constitute a ground for quashing the proceedings. The respondents would therefore submit that the final report discloses *prima facie* materials constituting the alleged offences and hence the petition deserves dismissal.

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



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Point for consideration:

20. In the light of the rival submissions, the following point arises for consideration:

“Whether the petitioner has made out a case warranting exercise of inherent powers of this Court under Section 528 BNSS to quash the proceedings in C.C.No.1496 of 2024 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai?”

Analysis:

21. The power of quashing criminal proceedings is undoubtedly extraordinary in nature and must be exercised sparingly, carefully and with abundant caution. The inherent jurisdiction cannot be transformed into a mechanism for conducting a mini trial or evaluating the sufficiency of evidence.

22. The law governing quash petitions is too well settled to require elaborate restatement. In **State of Haryana v. Bhajan Lal**², the Hon'ble Supreme Court illustratively enumerated categories

² 1992 Supp(1) SCC 335



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where quashing may be justified. Equally, the Hon'ble Apex Court has repeatedly cautioned that when the allegations *prima facie* disclose commission of an offence, the Court should refrain from stifling legitimate prosecution at threshold.

23. In the present case, the central contention of the petitioner revolves around denial of marriage. According to the petitioner, no marriage whatsoever took place between himself and the second respondent.

24. However, the very defence projected by the petitioner itself demonstrates that the matter is heavily fact-dependent. The petitioner relies upon photographs, RTI replies, age disparity, prior marital status of the *defacto* complainant and alleged contradictions in witness statements. All these are matters requiring evidentiary adjudication.

25. At the stage of considering a petition for quashment, this Court cannot undertake a roving enquiry into the probative value of



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such defence materials unless they are sterling and incontrovertible documents completely demolishing the prosecution case.

26. The RTI reply relied upon by the petitioner merely indicates that no officially recorded marriage was found in temple records on the relevant date. Such a communication cannot conclusively establish that no form of marital ceremony or customary exchange took place between the parties.

27. It is a matter of common experience that informal marriages or marriages performed without institutional registration are not unknown in society. Whether the alleged marriage satisfies legal requirements and whether the parties lived together as husband and wife are matters requiring appreciation of oral and documentary evidence during trial.

28. Equally, the alleged contradiction regarding whether the marriage occurred inside the temple or outside the temple precincts cannot be treated as a foundational inconsistency warranting



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quashment at threshold. Such discrepancies are matters touching upon appreciation of evidence and credibility of witnesses.

29. The petitioner has also heavily relied upon his alleged presence at another marriage function on the relevant date. The photographs relied upon by him are purely defence materials. Unless such documents are unimpeachable and of sterling quality completely ruling out the prosecution case, the same cannot be conclusively evaluated in proceedings under Section 528 BNSS.

30. The offence under Section 498-A IPC deals with cruelty inflicted upon a woman by the husband or his relatives. Whether the relationship between the petitioner and the second respondent answers the legal description necessary to attract Section 498-A IPC is itself a mixed question of fact and law.

31. The statements recorded during investigation, according to the prosecution, disclose the existence of a relationship portrayed as marital in nature. At this stage, this Court cannot render a definitive



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finding rejecting such allegations altogether. Likewise, the allegations attracting Section 506(i) IPC also cannot be brushed aside at threshold merely because the petitioner disputes them.

32. The contention that one Sasikala was not cited as a witness though referred to in the charge sheet also cannot constitute a valid ground for quashing. Defects or omissions in investigation do not automatically render the prosecution void unless prejudice of a grave nature is demonstrated. The submission relating to age difference between the parties or the earlier marital status of the *defacto* complainant may perhaps constitute grounds for defence during trial, but they do not extinguish criminal liability at inception.

33. This Court is also conscious that matrimonial prosecutions are often accompanied by rival accusations and emotional overtones. Nevertheless, the inherent jurisdiction of this Court cannot be invoked to pre-judge disputed factual narratives. The materials available in the final report *prima facie* disclose allegations constituting the offences alleged against the petitioner. Whether such allegations are ultimately proved beyond reasonable doubt is a



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matter to be decided only after full-fledged trial. This Court is therefore of the considered view that the petitioner has not demonstrated any exceptional circumstance warranting interference under Section 528 BNSS.

Epilogue:

34. Criminal jurisprudence draws a clear distinction between absence of evidence and insufficiency of evidence. While the former may justify quashment, the latter falls within the domain of trial. The petitioner, in the present case, seeks adjudication upon disputed factual issues under the guise of a quash petition. The defence projected by the petitioner may or may not ultimately succeed during trial. However, the same cannot be conclusively adjudicated in proceedings under Section 528 BNSS by appreciating disputed facts and rival evidentiary claims.

35. The allegations contained in the complaint, the witness statements collected during investigation and the final report filed before the learned Magistrate disclose *prima facie* materials



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necessitating a full-fledged trial. This Court finds no legal infirmity or abuse of process warranting exercise of inherent jurisdiction.

36. Accordingly, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed. The learned Judicial Magistrate, Additional Mahila Court, Madurai, is directed to proceed with the trial in accordance with law and dispose of the same as expeditiously as possible, uninfluenced by any observations made in this order.

01.06.2026

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

To

1. The Inspector of Police,
All Women Police Station Madurai Town,
Madurai City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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