



Crl.O.P.No.15270 of 2023  
and Crl.M.P.No.10215 of 2023

WEB COPY

Orders Reserved on  
17.08.2023

Orders Pronounced on  
23.08.2023

**Crl.O.P.No.15270 of 2023**  
**and Crl.M.P.No.10215 of 2023**

**RMT.TEEKAA RAMAN,J.,**

The petitioner/accused, who apprehends arrest at the hands of the Respondent Police based on the complaint lodged by one Dr.xxxxxx D/o.yyyyy for alleged offence under Sections 420, 417, 406, 354, 294(b), 323 and 506(ii) of I.P.C. R/w Section 4 of TNPHW Act, in Crime No.147 of 2023 on the file of the Respondent Police, seeks pre-arrest bail.

2. The case of the prosecution is that the Petitioner/accused has registered his name with false particulars in the Christian Matrimony and contacted the Defacto Complainant and convinced her for marriage and based on the said promise, had cheated gold jewels and money from the Defacto Complainant. Hence, the complaint.



CrI.O.P.No.15270 of 2023  
and CrI.M.P.No.10215 of 2023

WEB COPY

3. Ms.A.L.Gandhimathi, learned Senior Counsel appearing on behalf of Mr.R.Venkatesan for the petitioner/accused would submit that the petitioner/accused is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner/accused has no personal nexus with the defacto Complainant and both are acquainted through the Petitioner's online trading business. The defacto Complainant proposed to marry the Petitioner, which had rejected by the Petitioner/accused and on the said refusal, the defacto Complainant developed the grudge and lodged false complaint. Hence, he prays for grant of pre-arrest bail to the petitioner/accused.

4. The learned Government Advocate (CrI. Side) appearing for the respondent would submit that the matter is under investigation and the petitioner in CrI.M.P.No.10215 of 2023 namely the defacto complainant seeks intervene and opposed for grant of pre-arrest bail.



Crl.O.P.No.15270 of 2023  
and Crl.M.P.No.10215 of 2023

WEB COPY

5. The summon substance of the averments of the defacto complainant

are as under:

*(i) The defacto complainant is a Government Doctor and working in one of the Government Hospital at Chennai and living with her mother and brother.*

*(ii) She registered for marriage proposal through Christian matrimony.com website in the month of May 2022 and obtained Registration ID No.CHR3139112 and one Dr.Prasanna, aged 47 years, Church of South India, Chennai, Educational qualification MD/MS professionalized Doctor and also registered in Registration ID No.CHR3119859 for seeking bride.*

*(iii) The said Dr.Prasanna had sent a mail to the petitioner stating that he is interest to marry her, hence she accept his request and thereafter they both are decided to marriage.*

*(iv) The accused informed the petitioner by stating that his father is not interesting the marriage, hence his uncle namely Surya Prakash (original Name not known) will conduct our marriage, the petitioner trusted/accused words and also meet his*



WEB COPY



Crl.O.P.No.15270 of 2023  
and Crl.M.P.No.10215 of 2023

uncle Surya Prakash and decided to conduct marriage.

(v) On 05.02.2023, the accused and his uncle Surya Prakash assured that the accused will married the petitioner and thereafter the marriage will be registered before Registrar Office, hence the petitioner believed the words of the said person and she living with accused at 1002, DAYTONA, INCOR PBEL CITY, accused asked the petitioner's Gold Jewels and money for his business, as request of the accused, the petitioner gave 80 Sovereign Gold Jewels and Rs.16,00,000/- from her savings and also gave Rs.52,00,000/- from availing loan from Bajaj Finance and ICICI Bank totaling Rs.68,00,000/- (Rupees Sixty Eight Lakhs only) to the accused and his brother-in-law namely Prem Kumar's account through online bank Transaction.

(vi) After one month the accused did not register the marriage and he only demanding money from the petitioner and further he assured that the loan EMI will be paid by him on every month, but he did not pay the EMI on every month, hence the petitioner asked him to pay the EMI for the loan



WEB COPY



CrI.O.P.No.15270 of 2023  
and CrI.M.P.No.10215 of 2023

*amount, at that time he changed his attitude and harassing the petitioner by demanding more money and finally he refused the petitioner and throw out her from the house, due to the atrocity of the accused, the petitioner is suspect his genuinity, hence she verified the accused computer on 16.05.2023 and found that the accused name is not Dr.Prasanna and his oroginal name is Chakravarthy and he is not a Doctor.*

*(vii) After registering FIR, the petitioner searched the matrimonial fraud offences in Tamil Nadu and she found that the accused is a habitual offender and he cheated several girls and women from the year 2012 onwards with different names viz., Ajay @ Vidhu @ Vidhyut @ Vijayakumar @ Girija Saravanan @ Rahul Vijay @ Tamilselvan @ Chakravarthy, for the same pattern of crime since the accused uploaded his profile in different names and different professionals and his main targets are Doctors, Widows, Divorcee and aged women, and his intention is grab huge amount and gold jewels from the victims.*



CrI.O.P.No.15270 of 2023  
and CrI.M.P.No.10215 of 2023

WEB COPY

6. The learned Government Advocate (CrI. Side) for the respondent stated that the accused filed anticipatory bail petition before the Principal District and Sessions Court, Chengalpet, and the same was dismissed on 20.06.2023.

7. After hearing the rival submissions of the learned counsel for the petitioner/accused, the learned counsel for the defacto complainant and the learned Government Advocate (CrI. Side) for the respondent and after perusing the typed set of papers filed along with this petition, I find that the defacto complainant is a Doctor, and she has registered on a matrimonial site for her marriage. The petitioner got acquaintance with the defacto complainant and they lived together. Further, with a common intention to grab the defacto complainant's money and to cheat her, the petitioner/accused induced her as if he needs money for investing online trading and received her 80 sovereigns of golden jewels. Further, the petitioner/accused persuaded the defacto complainant to obtain loan from banks, thereby received a total sum of Rs.68,00,000/- on various transactions. But, he failed to pay the loan EMI amounts. Even thereafter, the petitioner/accused asked to sell the property of



CrI.O.P.No.15270 of 2023  
and CrI.M.P.No.10215 of 2023

the defacto complainant, thereby he demanded more money. When the defacto complainant asked to pay the EMI amount, the petitioner/accused abused her in filthy language, beaten her, threatened her and also deserted her and sent to Vellore. The petitioner/accused had cheated so many victims by using the very same "modus operandi".

8. In short, on the pretext of marriage with the defacto complainant, the petitioner/accused swindled 80 sovereigns of golden jewels and a sum of Rs.68 lakhs from the defacto complainant.

9(a). It is a case of "online matrimonial fraud".

(b) As per complainant, she had registered on a matrimonial website for prospective alliance and a person approached her in online addressing himself as a Doctor and after befriending the defacto complainant through online chatting and mobile communication, the accused expressed his wish to marry her. He asked her to deposit valuable amount in his bank account and collected 80 sovereigns of golden ornaments through some contacts. Besides the valuables, the accused blackmailed the victim by taking semi-nude photographs through web cam while chatting, to extract money from her.



CrI.O.P.No.15270 of 2023  
and CrI.M.P.No.10215 of 2023

WEB COPY

10. From the submission made by the learned counsel for the defacto complainant and the learned Government Advocate (CrI. Side) for the respondent, this Court finds that the accused adopted the "modus operandi" of making advertisements in the popular matrimonial website by uploading his profile and seeking brides. It is alleged that with multiple entries and different names like Vijayakumar, Girija Saravanan, Ajay and Vijay Chakravarthi, the engineer had claimed himself to be a Doctor working in United Kingdom and when the girls approach him he takes money and also sexually abused them.

11. According to the defacto complainant, as per the report of Times of India publication on 19.05.2012, the very same person had cheated 17 girls through the above said modus operandi. Most of the women were alleged to have been well educated, working as Nurses, College Professors and IT Professionals. After establishing contact as a "prospective bridegroom", he used to befriend the girls through social networking chats and mobile. It is alleged by the learned counsel for the defaco complainant that he used the "magic voice option on the mobile phone" to pose as parents of the groom and after gaining





CrI.O.P.No.15270 of 2023  
and CrI.M.P.No.10215 of 2023

WEB COPY

their confidence, the accused used to demand money from the girls and asked them to deposit cash in his bank accounts.

12. The learned counsel for the defacto complainant, like her case, another victim girl has filed similar complaints lodged on the accused, which has resulted in SC.No.144 of 2022 by a lady Doctor, who is also cheated on the similar modus operandi. However, as she turned hostile, the case has been ended in acquittal.

13. According to the learned counsel for the petitioner in CrI.M.P.No.10215 of 2023, the accused is "targeting unmarried over aged medical professionals" like in Doctors, Nurses and projecting himself as a Doctor working in United Kingdom.

14(a). After going through the typed set of papers filed by the defacto complainant and the complaint of the lady Doctor, who is said to have working in Government Maternity Hospital, I find that the parents of the girl to be very careful with matrimonial proposals coming by online and they have to spend extra time to thoroughly verify the credentials of those who posted the profiles before proceeding further, rather falling in trap with the promise of marriage.



CrI.O.P.No.15270 of 2023  
and CrI.M.P.No.10215 of 2023

WEB COPY

(b) This Court finds that there is no rules or regulations, nor even, SOP (Standard Operating Procedure) for on-line matrimonial web-site before for hoisting profiles of bride or bridegroom, as the case may be. In most of cases, the victim of this kind of on-line matrimonial fraud are woman.

(c) Hence, this Court is of the considered view that Central or State Government shall take initiation for formulation of rules governing field on this kind of matrimonial web-site to ensure, age and date of birth, the basic informations about bride or bridegroom (like age, date of birth, address or duly verified before being upload in the web-site and further regulation in the nature of penal provision for suppressing material facts (namely information regarding earlier marriage, status of divorce proceedings if any divorce or not, as the result the prospective person is being put to misconception of material facts. Such a misrepresentation falls as defined under Section 90 of I.P.C and as such further it has to be treated as commission of offence and crime against woman, as in majority case, brides do fell as prey. The State Government shall form a committee to frame necessary regulations in this regard as day-in and day-out, criminal cases are facing up after commission of cheating as defined under Section 415 of I.P.C.



Crl.O.P.No.15270 of 2023  
and Crl.M.P.No.10215 of 2023

WEB COPY

"415. Cheating - Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to "cheat".

Section 415 has two parts. While in the first part, the person must "dishonestly" or fraudulently induce the complainant to deliver any property; the second part need not necessarily relate to property,

The ingredients required to constitute an offence of cheating are: (1) There should be fraudulent or dishonest inducement of a person by deceiving him, (2)(a) the person so deceived should be induced to deliver any property to any person or to consent that any person shall retain any property; or (b) the person so deceived should be intentionally induced to do or omit to do anything which he would not do or omit if he were not so deceived, and (3) in cases covered by (2)(b) the act or omission should be one which causes or is likely to cause damage or harm to the person induced in body, mind, reputation or property.

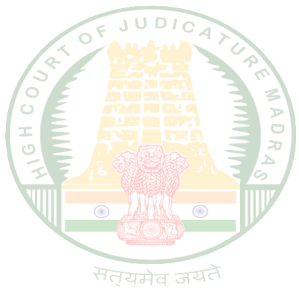
The word 'harm' means injury to person in mind, body, reputation or property.

(d) When the penal law, as extracted supra is clear as crystal, some kind of preventive measure to protect the prospective person for marriage, needs necessary regulation of web-site ensure material facts are not suppressed or omitted at the initial time of initiation of marriage proposal.



CrI.O.P.No.15270 of 2023  
and CrI.M.P.No.10215 of 2023

**WEB COPY** (e) The doctrine of caveat Emptor on website has undergone a sea change. The act of the individual on E-website is based on the information supplied. On the reading of the information the person will decide either to proceed or to drop. The doctrine of caveat emptor (let the purchaser beware) has evolved into doctrine of caveat vendator (let the seller beware). However applying the doctrine of caveat vendator to the matrimonial advertisement is a gray area. Admittedly, E-medium is different from magazine and necessary verification of particulars given by the prospective person in the matrimonial advertisement on a particular fact, (age, date of birth and address) needs to be verified before registration of the profile. Necessary document of proof for those are to be made compulsory for registration of the profile. Any information regarding matrimonial status of the person should be specific and definite and should not be vague, as it is now website. Any word like unmarried is to be discarded rather unmarried, divorce proceedings pending or not, should specifically be indicated by the person who applies for the same and thus it is necessary for State Government to formulate a regulation to ensure informations as stated supra.



CrI.O.P.No.15270 of 2023  
and CrI.M.P.No.10215 of 2023

WEB COPY

15. Taking into consideration the various allegations against the petitioner/accused and the same have been reflected in the documents filed by the defacto complainant and the petitioner appears to be habitual on-line matrimonial fraudsters, preliminary stage of the case, I find that the petitioner is not entitled for relief of pre-arrest bail at this juncture. Accordingly, this criminal original petition is dismissed.

23.08.2023

ata/mkn-ii



WEB COPY



CrI.O.P.No.15270 of 2023  
and CrI.M.P.No.10215 of 2023

**RMT.TEEKAA RAMAN,J.,**

ata/mkn-ii

Pre-Delivery order made in  
CrI.O.P.No.15270 of 2023  
and CrI.M.P.No.10215 of 2023

23.08.2023