

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 03.07.2015
DELIVERED ON : 14.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.2216 of 2015
and
M.P.Nos.1 and 2 of 2015

1.Jayaraman
2.Valliammal

..Petitioners/Accused No.1 & 2

Vs

1.State rep by
Inspector of Police, N.Devipriya
Thiruthani Police Station
Thiruvallur District.

2.P.Soundararajan

.. Respondents/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the FIR in Cr.No.549 of 2014 on the file of the 1st respondent police and quash the same.

For Petitioners	Mr.S.Parthasarathy
For R1	Mr.C.Emalias, Addl.Public Prosecutor
For R2	Mr.Y.Kaja Navas

ORDER

This petition has been filed to call for the records relating to the FIR in Cr.No.549 of 2014 on the file of the 1st respondent police and quash the same.

2. On a complaint lodged by Soundararajan, the respondent police registered a case in Cr.No.549 of 2014 on 20.09.2014 for offences under Sections 417, 420 and 506 (i) IPC against the petitioners herein. It is the case of the defacto complainant that, on 03.11.2008 he was married to J.Uma Maheshwari and after marriage, it came to light that, she was suffering from Schizophrenia. The allegations of the defacto complainant is that, the family of the bride conceded this fact and solemnised the wedding.

3. The learned counsel for the petitioners submitted that the FIR is a clear abuse of process of law, inasmuch as the marriage

was solemnised on 03.11.2008 and through the wedlock, after two years a child was born.

4. Per contra, the learned counsel appearing for the defacto complainant submitted that, this Court while considering the anticipatory bail application of the accused in Cr.No.549 of 2014, held as follows:

"2. The daughter of the petitioners in Cr1.O.P.No.28879 of 2014, by name Uma Maheshwari got married to one P.Soundararajan on 03.11.2008. It appears that though Uma Maheshwari was suffering from mental illness for which she was taking treatment under Dr.Ravi, Sri Ramachandra Medical College as inpatient from 17.02.2007 onwards, suppressing the same, Uma Maheshwari was given marriage to the above said Soundarajan. The averments made in the complaint are indeed very grave and these petitioners have played roguery on the defacto complainant.

3. Taking into consideration the seriousness of the allegations against the petitioners in Cr1.O.P.No.28879 of 2014, I am not inclined to grant anticipatory bail to them."

5. The learned counsel for the petitioners relied upon the judgment of the Supreme Court to hold that, mere existence of mental disorder is insufficient to justify dissolution of marriage. This Court has no quarrel with the proposition laid therein. That case arose in a divorce proceedings, but in this case, there are sufficient materials to hold that the defacto complainant has been cheated prima facie by the accused by suppressing from him the factum of the mental illness of Uma Maheshwari.

In the result, this petition is devoid of merits and the same is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

gms

To

1.The Inspector of Police,
Thiruthani Police Station
Thiruvallur District.

2.The Public Prosecutor
High Court, Madras.

1 cc to Mr. S.Parthasarathy, Advocate Sr.No.35386

1 cc to Mr..Y.Kaja Navas , Advocate Sr.No.35480

Cr1.O.P.No.2216 of 2015

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