

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.28124 of 2012
and MP.Nos.1,2 of 2012

Balachandran ... Petitioner

Vs

N.Uma Mandhagini ... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records in CC.No.800 of 2012 on the file of
the Judicial Magistrate, Tambaram and quash the same.

For Petitioner : Mr.T.Mathi
For Respondents : No Appearance

O R D E R

This petition has been filed to quash the proceedings in
CC.No.800 of 2012 on the file of the learned Judicial Magistrate,
Tambaram.

2. Heard the learned counsel for the petitioner and perused
the materials placed on record.

3. Though notice was sent to the respondent way back in the
year 2012, it has not been served till date. Since this case is of
the year 2012, this Court did not want to further adjourn the
matter.

4. It is the case of Uma Mandhagini [respondent/complainant]
that she got married to R.Balamurugan [A1] on 27.03.2008. Their
marriage ran into rough weather. It is alleged by Uma Mandhagini
that her husband R.Balamurugan [A1] remarried S.Lalitha Swaminathan
[A15], during the subsistence of their marriage. Hence, Uma
Mandhagini filed a private complaint in CC.No.800 of 2012 before
the learned Judicial Magistrate, Tambaram under Section 494 r/w 34
IPC against 17 accused.

5. Earlier, A1 to A10 approached this Court in Crl.OP.No.25457
of 2012 for quashing the private complaint. This Court, by order
dated 21.01.2013 in Crl.OP.No.25457 of 2012 dismissed the quash
application, as against R.Balamurugan [A1] and Lalitha Swaminathan
[A15], but quashed the proceedings against other 8 accused namely,
S.Jeyalakshmi, S.Pandian, S.Viswanathan, S.Mariyappan, S.Selvam,

R.Jeevarathinam, V.Ramaboopathy and N.S.Elangovan.

6. In the considered opinion of this Court, this petitioner stands on the same footing as those against whom the proceedings were quashed by this Court in Crl.OP.No.25457 of 2012. In fact, on reading of the complaint, it is seen that this petitioner is the son-in-law of A1's uncle and even according to the complaint, it was this petitioner who came to the residence of the parents of the complainant and informed them that Balamurugan [A1] is remarrying.

7. In view of the above, the prosecution in CC.No.800 of 2012 as against Balachandran [A12] is hereby quashed and the petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Tambaram.

2.Thro The Chief Judicial Magistrate, Tambaram.

1 cc to Mr.T.Mathi , Advocate Sr.No.48243/15

CRL.OP.No.28124 of 2012

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pmk.22.9.2015

सत्यमेव जयते

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