



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.03.2015

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Cr1.O.P.(MD)No.2449 of 2015

and

M.P(MD)Nos.1 & 2 of 2015

Titias Anthonyraj
Father,
Sebasthiar Church,
Anna Nagar (Burma Colony),
Nanchikottai Road,
Thanjavur District.

..Petitioner

Vs

Isbella Arokiamary

..Respondent

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.330 of 2012 pending on the file of the Learned Judicial Magistrate No.II, Thanjavur, Thanjavur District, quash the same as against the petitioner.

For Petitioner : Mr.V.Bharathidasan

For Respondent : No appearance

ORDER

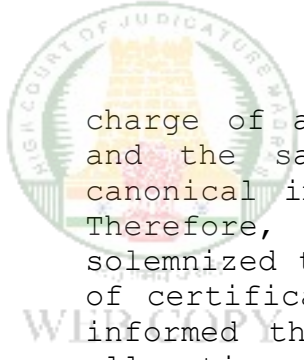
The petitioner, who is the fourth accused in case pending trial in C.C.No.330 of 2012, on the file of the learned Judicial Magistrate No.II, Thanjavur, Thanjavur District, seeks quash of proceedings therein as against him.

2.The submissions made by learned counsel for the petitioner were heard. The materials available on record were also perused.

3.The case arises out of a private complaint and though the respondent/complainant has been served, there is no appearance on her behalf.

4.The respondent/complainant has preferred a complaint informing that she and the first accused, her maternal uncle were married on 16.06.2004. She informs of wrong doing on the part of the first accused and of the accused 5 and 8 joining with him in forcing her and her two children out of the matrimonial home. She also informs that a divorce has been preferred against her by the first accused on false grounds. The complaint has been filed alleging offence under Section 494 IPC.

5.A perusal of the records reveals that this petitioner, the Parish Priest in-charge of a Church at Thanjavur wherein, second marriage of the first accused was solemnized on 31.10.2011 on the basis of a certificate issued, in keeping with Canon-Law, by the third accused Parish Priest in-



charge of a Church at Thiruvavur. Such certificate is dated 19.09.2011 and the same informs that 'Banns were published and there was no canonical impediments to the first accused entering into the marriage'. Therefore, it is apparent that this petitioner/fourth accused has solemnized the marriage between the first and second accused on the basis of certificate issued by the third accused, another Parish Priest, which informed that the first accused was free to enter upon marriage. The allegations in the complaint of this petitioner having been aware of the first accused being a married person, of his having threatened witnesses to the marriage and of informing that the marriage between the first accused and the respondent/defacto complainant is invalid seem to be mere embellishments towards roping in the petitioner. It does not stand to reason that this petitioner had knowledge of the earlier marriage between the first accused and the respondent or that he would have occasion to inform such marriage to be invalid.

6. This Criminal Original Petition shall stand allowed. The proceedings in C.C.No.330 of 2012 on the file of the Judicial Magistrate No.II, Thanjavur shall stand quashed insofar as this petitioner is concerned. Consequently, connected M.P(MD)Nos.1 & 2 of 2015 are closed.

Sd/-

Assistant Registrar(Per.Admn)

/True copy/

Sub Assistant Registrar

am

To

1.The Judicial Magistrate No.II,
Thanjavur, Thanjavur District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to MR.V.BHARATHIDASAN,ADVOCATE IN SR NO. 14869

Cr1.O.P. (MD)No.2449 of 2015
26.03.2015

RG.07.04.2015 2P.4C.