



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.03.2015

CORAM

THE HON'BLE MR.JUSTICE C.T.SELVAM

CRL.O.P. (MD)No.8456 of 2011

and

M.P(MD)Nos.1 and 2 of 2011

1.M.Chandran

2.Kalyani

3.M.Balaji

4.Sudha

5.N.R.K.A.Ayyanan Raja

..Petitioners/Accused No.1 to 5

.. Vs ..

1.The State rep. by

The Inspector of Police,

All Women Police Station,

Cantonment, Trichy.

..Respondent/Complainant

2.C.Indra Gandhi

..Respondent/Defacto Complainant

PRAYER:Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to call for the records in Crime No.29 of 2010 on the file of the Inspector of Police, All Women Police Station, Cantonment, Trichy District and quash the same.

For Petitioner: Mr.N.Mohideen Basha

For R-1

: Mr.K.Anbarasan

Government Advocate (Crl. Side)

For R-2

: Mr.D.Sadiq Raja

ORDER

This petition has been filed under Section 482 Cr.P.C., praying to quash the F.I.R in Crime No.29 of 2010 on the file of the Inspector of Police, All Women Police Station, Cantonment, Trichy District.

2.Heard the learned counsel for the petitioners, the learned Government Advocate(Crl. Side) for the State and the learned counsel for the second respondent.

3. A case has been registered in Crime No.29/2010 on the file of the respondent police for offences under sections 498A, 494, 354 and 506(i) of IPC. Admittedly, the marriage between the complainant and the first accused is of the year 1985. The marriage between the first and second accused has been registered on 15.11.1989. The complaint has been preferred on 01.05.2010 informing the offence of bigamy by the husband/first accused and that he and his second wife abused and beat the complainant and required her to put it in writing that she will not make any claim over property and to adjust the sums received by her and her children. The Complainant informs of having been rescued by her brother and family members. The complaint informs knowledge of second marriage of the first accused in the year 2004.



4. Considering the nature of allegations, the delay in preferring the complaint and as against alleged discovery of second marriage by her husband in the year 2004 and as against occurrence of abuse and injury on 25.05.2009, the complaint stands preferred only on 01.05.2010, this Court is of the view that preference of the complaint is an abuse of process.

WEB COPY Accordingly, this criminal Original Petition shall stand allowed and the proceedings in Cr.No.29 of 2010, shall stand quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Per Admn)

/True copy/

Sub Assistant Registrar

To

1.The Inspector of Police,
All Women Police Station,
Cantonment, Trichy.

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

+1CC to M/s.N.Mohideen Basha, Advocate in SR.12355

CRL.O.P. (MD) No.8456 of 2011
and

M.P (MD) No.1 and 2 of 2011

pmu/pm

PBK 25/03/2015 ::2P-4C: