

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.12554 of 2016

1 S. Manimegalai
2 Saraswathi Petitioners

Vs

1 The State rep by
The Inspector of Police
V-3, J.J. Nagar Police Station
Anna Nagar District
Chennai
(Crime No.27/2012)
2 Tmt. Chitra J. Sridhar Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to quash the proceedings in C.C. No.7 of 2012 (sic) C.C. No.355 of 2014 on the file of the Judicial Magistrate Court, Ambattur and quash the same.

For petitioners Mr. L. Baskaran

For R1 Mr.C. Emalias
Addl. Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking to quash the proceedings in C.C. No.7 of 2012 (sic) C.C. No.355 of 2014 on the file of the Judicial Magistrate Court, Ambattur.

2. It is seen that on the complaint lodged by Chitra, the second respondent herein, the first respondent police registered a case in Crime No.27 of 2012 for offences under Sections 341, 294(b) and 323 read with Section 34 IPC and after completing the investigation, has filed a final report in C.C. No.355 of 2015 before the Judicial Magistrate, Ambattur for the said offences against Manimegalai and her mother Saraswathi, challenging which, Manimegalai and Saraswathi are before this Court to quash the prosecution launched against them.

3. It is seen that this case is an offshoot of the case
<https://hcservices.ecourts.gov.in/hcservices/>

in Crime No.973 of 2011, in which, Manimegalai is the complainant and she had lodged a complaint against Sreedhar, Chitra and Balasekar.

4. In Crl.O.P. No.15037 of 2016, this Court has quashed the FIR since Manimegalai and Sreedhar had married and had amicably settled the issue.

5. It appears that Chitra was married to Sreedhar and they got divorced on 01.07.2014 and thereafter, Sreedhar has married Manimegalai on 28.02.2016.

6. However, the learned Additional Public Prosecutor submitted that the trial in C.C. No.355 of 2014 has commenced; almost all the witnesses have been examined and that the Trial Court is not able to proceed with the trial because Manimegalai and Sreedhar are not appearing before the Court and warrant is pending against them.

7. In the considered opinion of this Court, if Manimegalai and Sreedhar appear before the Trial Court and bring it to the notice of the Trial Court that this Court has quashed the prosecution in Crime No.973 of 2011 against Chitra, there is every possibility of the case ending in their favour.

8. Under such circumstances, Manimegalai and Sreedhar are directed to surrender before the Judicial Magistrate Court, Ambattur in C.C. No.355 of 2014 within a period of two weeks from the date of receipt of a copy of this order and on their surrender, warrants issued against them shall be recalled.

With the above direction, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

cad

To

1 The Judicial Magistrate
Ambattur

2 The Inspector of Police
V-3, J.J. Nagar Police Station
Anna Nagar District, Chennai

3 The Public Prosecutor
Madras High Court, Chennai

1 cc to M/s.L.Baskaran, Advocate, sr.47327

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