

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.13111 of 2016

and

Crl.MP.Nos.6745 & 6746 of 2016

1.V.Hariharasudan

2.Velumani

... Petitioners

Vs.

1.The Inspector of Police,
All Women Police Station,
Sathyamangalam.
(Crime No.32 of 2015)

2.V.Bridgit

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C praying to call for the records pertaining to the proceedings in C.C.No.38 of 2016 on the file of the Judicial Magistrate Court No.I, Gobichettipalayam and to quash the same.

For Petitioners : Mr.A.Vignesh

for Mr.K.Arangeswaran

For Respondents [R1] : Mr.C.Emalias

Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.38 of 2016 on the file of the Judicial Magistrate Court No.I, Gobichettipalayam.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3. On a complaint lodged by Bridgit (defacto-complainant), the respondent Police registered a case in Crime No.32 of 2015 and after completing the investigation, has filed

a final report in C.C.No.38 of 2016, for the offence under Section 498(A) IPC against the petitioners herein, challenging which, they are before this Court. The crux of the allegation of the defacto-complainant is that the first petitioner is a Hindu and the defacto-complainant is a Christian, and that she was in love with the first petitioner. The first petitioner had a marriage with the defacto-complainant, registered on 14.06.2013 and thereafter, he is repudiating the marriage.

4. The learned counsel for the petitioner took the Court through the reply notice, said to have been issued by the defacto-complainant and submitted that the averments contradict the FIR.

5. In a quash petition, disputed question of facts cannot be gone into. Since there are several materials for the trial to proceed, this is not a fit case to quash the petition. Hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed. However, the trial Court is directed to refer the first petitioner and the defacto-complainant to the local Mediation and Conciliation Centre or to the Legal Services Authority for bringing about a amicable settlement between them. If the parties cannot arrive at a amicable settlement, the trial shall proceed.

Sd/--
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

ds

To

1. The Judicial Magistrate, No.I, Gobichettipalayam.
 2. The Chief Judicial Magistrate, Erode.
 - 3.The Inspector of Police,
All Women Police Station,
Sathyamangalam.
 - 4.The Public Prosecutor
High Court, Chennai.
- + 1 cc to Mr.K.ARANGESWARAN, Advocate sr no 34989

Cr1.O.P.No.13111 of 2016

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