

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No.25043 of 2016

Prema

Petitioner/Complainant

vs.

1.Dr.P.Vijayakumar

2.Usha

Respondents/

Criminal Original Petition filed under Section 482, Cr.P.C. to set aside the order of the Judicial Magistrate No.I, Coimbatore in CMP No.3992 of 2015 in C.C.No.209 of 2011 by an order dated 04.06.2016 and direct the learned Judicial Magistrate No.I, Coimbatore.

For petitioner Mr.K.Balasubramaniam

ORDER

This petition has been filed to set aside the order of the Judicial Magistrate No.I, Coimbatore in CMP No.3992 of 2015 in C.C.No.209 of 2011 by an order dated 04.06.2016 and direct the learned Judicial Magistrate No.I, Coimbatore.

2. The petitioner has initiated a prosecution in C.C.No.209 of 2011 against the accused herein, for an offence u/s 494 IPC before the Judicial Magistrate No.I, Coimbatore. The petitioner examined herself in chief as P.W.1 and thereafter, filed an application in CMP No.3992 of 2015 in C.C.No.209 of 2011 u/s 91 Cr.P.C. calling for certain documents from various authorities, which has been dismissed by the trial Court by order dated 04.06.2016, challenging which the petitioner is before this Court.

3. Heard Mr.Balasubramaniam, learned counsel for the petitioner/ complainant.

4. Learned counsel for the petitioner submitted that the first respondent has married the second respondent and through the marriage, they have one child by name, Niniya. Therefore, the petitioner needs those documents in order to establish the offence u/s 494 IPC.

5. This Court gave its anxious consideration to the submission made by the learned counsel for the petitioner.

6. For proving the ingredients of Section 494 IPC, it would be sufficient if the petitioners prove the factum of the marriage between the first respondent and the second respondent. The documents called for cannot prove the factum of marriage, but can be only considered as admissions. Therefore, this Court does not find any infirmity in the order passed by the Court below. However, the learned counsel for the petitioner submitted that, if the parties are referred to the Mediation and Conciliation Centre, there is every possibility of the parties arriving at a settlement.

7. Accepting the said submission, the Judicial Magistrate No.1, Coimbatore, is directed to refer the petitioner and the first respondent to the local Legal Services Authority or the local Mediation and Conciliation Centre for the parties to arrive at an amicable settlement.

With the above direction, this petition is dismissed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gms

To

The Judicial Magistrate No.I,
Coimbatore.

+ 1 cc to Mr.K. Balasubramanian, Advocate SR.65796

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RSI (CO)
EU 22.12.16

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