

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

CrI.O.P.No.29747 of 2013
and M.P.No.1 of 2013

1.Manimozhi
2.Shantha Manimozhi
3.M.Radhika

... Petitioners/Accused 1 to 3
Vs.

1.State rep. by
Inspector of Police
K-5 Peravallur police station
Chennai.

... 1st Respondent/Complainant

2.K.Abirami

... 2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records in C.C.No.1306/2008 on the file of the Chief Metropolitan Magistrate's Court, Egmore, Chennai and quash the same.

For Petitioners : Mr.K.Sukumaran

For R1 : Mr.C.Emalias

Addl. Public Prosecutor

For R2 : Mr.T.S.Rajmohan

O R D E R

This petition is filed for quashing the proceedings in C.C.No.1306/2008 on the file of the Chief Metropolitan Magistrate's Court, Egmore, Chennai.

2.Heard the learned counsel for the petitioners, learned Additional Public Prosecutor and the learned counsel for the second respondent/defacto complainant.

3.A perusal of the typed set of papers reveals that P.W.1 and P.W.2 were examined a long back and thereafter, it was not seen the light of the day and that the case has been pending for eight years. Therefore, the petitioner has come forward with this petition for the above stated relief.

4.This Court by an order dated 22.01.2016, has directed P.W.1 and P.W.2 to appear before the said Magistrate's Court on 14.03.2016 for their cross-examination, but they were not appeared on that day.

5.The learned counsel for the defacto complainant submits that the father of the defacto complainant has filed an affidavit stating that her daughter/second respondent herein after getting divorce married another person and settled at Abroad. Hence, they do not want to pursue the matter further.

6.Recording the submissions made in para-29 and 30 of the affidavit filed by the defacto complainant, entire proceedings in C.C.No.1306 of 2008 on the file of the Chief Metropolitan Magistrate's Court, Egmore, Chennai, is hereby quashed and the Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Chief Metropolitan Magistrate Court,
Egmore, Chennai.
- 2.Inspector of Police
K-5 Peravallur police station
Chennai.
- 3.The Public Prosecutor,
High Court,
Chennai.

+1cc to Mr.T.S.Rajmohan, Advocate, S.R.No.17213
+1cc to Mr.K.Sugumaran, Advocate, S.R.No.17088

CrI.O.P.No.29747 of 2013
and M.P.No.1 of 2013

vgi (CO)
srg (30/03/2016)