

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.4857 of 2016 and Crl.M.P. No.2556 of 2016

S. Sridevi ... Petitioner/Accused
vs.

R. Muthulakshmi ... Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records with respect to the respondent's complaint in STR No.1899/2015 on the file of the Judicial Magistrate Court No.II, Pudhucherry and quash the same insofar as the petitioner is concerned.

For petitioner Mr. R. Nalliyappan

For respondent Mr. S. Giritharan

O R D E R

This Criminal Original Petition is filed to call for the records with respect to the respondent's complaint in STR No.1899/2015 on the file of the Judicial Magistrate Court No.II, Pudhucherry and quash the same insofar as the petitioner.

2 For the sake of convenience, the parties will be referred to by their name.

3 Sridevi got married to Srinivasan on 08.08.2005 and they have one child by name Sri Lakshmi Devi through the wedlock. On account of marital discord, the couple got estranged. Sridevi filed a petition under Section 125 Cr.P.C. in M.C. No.45 of 2014 before the Family Court, Puducherry against Srinivasan for maintenance. In that petition, Sridevi has made very uncharitable and disparaging remarks against one Muthulakshmi, who is her sister-in-law (Srinivasan's brother's wife), aggrieved by which Muthulakshmi initiated prosecution in STR No.1899 of 2015 before the Judicial Magistrate Court No.II,

Puducherry under Sections 499 and 500 IPC against Sridevi, challenging which, Sridevi is before this Court.

4 Heard the learned counsel for Sridevi and the learned counsel for Muthulakshmi.

5 On a reading of the allegations made by Sridevi against Muthulakshmi in M.C. No.45 of 2014, this Court itself was ill at ease. Mr. Nalliyappan, learned counsel for Sridevi fairly submitted that such remarks could have been avoided by Sridevi in the maintenance proceedings, where, the fact in issue is whether Srinivasan, her husband, is liable for payment of maintenance to her.

6 The learned counsel for Muthulakshmi submitted that Muthulakshmi felt insulted to the core on account of Sridevi's baseless allegations in the case filed by her against Srinivasan seeking maintenance, which affected her so much that she was forced to file a defamation prosecution against Sridevi.

7 Muthulakshmi is present in the Court and she is gracious enough to state that she is ready to forgive Sridevi, if Sridevi gives an unconditional apology and withdraws the allegations made in M.C. No.45 of 2014.

8 Pursuant to that, Sridevi has filed an affidavit, wherein, at paragraph nos.2 and 3, she has averred as follows:

"2. I respectfully submit that I have filed the above Criminal Original Petition for a relief of to call for the records with respect of the complaint filed by the respondent herein in STR No.1899/2015 on the file of Judicial Magistrate Court No.II, Puducherry and quash the same.

3. I respectfully submit that I have filed an application claiming maintenance against my husband in MC No.45 of 2014 on the file of the Family Court, Puducherry, wherein, I have stated certain allegations against the respondent herein. I humbly submit that I hereby submitting my unconditional apology for making allegations against the respondent/claimant namely Mrs. R. Muthulakshmi in the application claiming maintenance in M.C. No.45 of 2014 on the file of the Family Court, Puducherry and also in H.M.O.P. No.69 of 2015 on the file of the Subordinate Judge at Panruti for divorce. Further I hereby withdraw those allegations made against the respondent in the above applications."

In view of the above, the proceedings in STR No.1899 of 2015 on the file of the Judicial Magistrate Court No.II, Puducherry, is hereby quashed and this Criminal Original Petition stands allowed. Connected Crl.M.P. is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

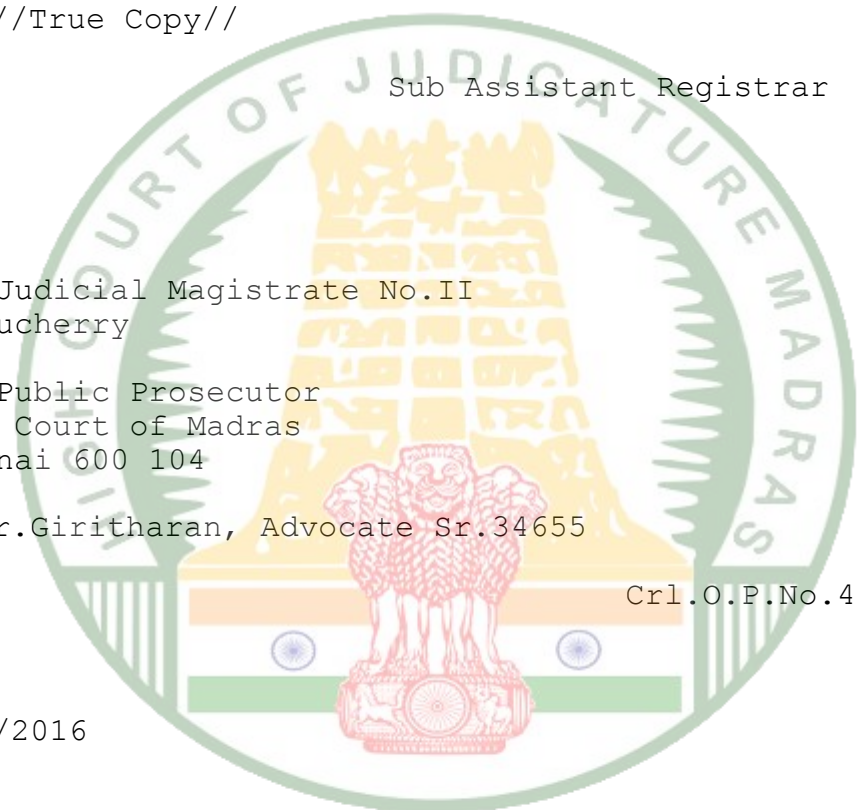
1 The Judicial Magistrate No.II
Pudhucherry

2 The Public Prosecutor
High Court of Madras
Chennai 600 104

+1cc to Mr.Giritharan, Advocate Sr.34655

Crl.O.P.No.4857 of 2016

mg[co]
srg 12/07/2016

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red lion capital on a base. The entire emblem is set against a background of horizontal stripes (green, white, and green). The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular border around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

WEB COPY