



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.3079 of 2016

and

Crl.M.P.(MD).No.1587 of 2016

Kumaravadivel

... Petitioner/Petitioner

Vs.

1. The Inspector of Police,
All Women Police Station,
Thiruvarambur,
Trichy District in
Crime No.32 of 2001.

... 1st Respondent/Respondent

2. Sivakami

... 2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C. No.104 of 2004 pending on the file of the Learned Judicial Magistrate No.VI, Trichirappalli and quash the same.

For Petitioner : Mr.P.Ganapathi Subramanian
For R1 : Mrs.S.Prabha
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to call for the records in C.C.No.104 of 2004 pending on the file of the Learned Judicial Magistrate No.VI, Trichirappalli and quash the same.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side).

3. The case of the prosecution is that, Kumaravadivel got married to de-facto complainant Sivakami on 07.12.2000 and their marriage ran into rough weather. On the complaint lodged by the respondent police registered a case in Crime No.32 of 2001 for the offences under Sections 406, 498(A), 323, 324 of I.P.C., and Section 4 of Dowry Prohibition Act and after



completing the investigation, filed a final report in C.C.No.104 of 2004 against Kumaravadivel, Subramanian, Ilanjiyam for the said offences. Since Kumaravadivel was working in US, the Court was not able to serve summons and therefore, the case against Kumaravadivel was split up as C.C.No.104 of 2004 and the trial as against Subramanian and Ilanjiyam proceeded in C.C.No.146 of 2002 and the same ended in acquittal by judgment dated 24.02.2004.

4. Now, it appears that Kumaravadivel and Sivakami got divorced and both are re-married. This Court directed the respondent police to trace Sivakami and file a status report. Today, the learned Government Advocate (Crl.side) has produced a V.A.O. Certificate stating that Sivakami is not living in No.48, Mangammal Nagar, Srirangam and that her whereabouts are not known.

5. In the considered opinion of this Court, the further prosecution of Kumaravadivel for the incident that had taken place some time in the year 2001 will be an abuse of process of law, especially in the light of the fact that his parents were acquitted in C.C.No.146 of 2002 on the file of learned Judicial Magistrate No.VI, Trichirappalli and that Sivakami has also got married and her present whereabouts are not known to the police.

6. In view of the above, this petition is allowed and the proceedings in C.C.No.104 of 2004 has been quashed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

akv

To

1. The Inspector of Police, All Women Police Station,
Thiruvarambur, Trichy District.

2. The Judicial Magistrate No.VI, Trichirappalli.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.P.Ganapathi Subramanian Advocate Sr.No.18153

GJM/SKS/RR/21.4.16-2p-5C

Crl.O.P. (MD) No.3079 of 2016
30.03.2016