



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2016

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

Crl.O.P. (MD) .No.9391 of 2016

and

Crl.M.P. (MD) .Nos.4710 and 4711 of 2016

1.R.Akilarajan
2.Ammal
3.Akilarajam
4.Chandravanam Murugesan .. Petitioners/Respondents

Vs.

Aruna .. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the proceedings in connection with D.V.No.17 of 2016 on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District and quash the same.

For Petitioner : Mr.B.Jeyakumar

ORDER

This petition has been filed seeking quashment of the proceedings in D.V.No.17 of 2016 pending on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District.

2. Heard the learned counsel for the petitioner. After going through the materials and after hearing the arguments for quashing the proceedings, this Court expressed the opinion that the petitioners may have a good case for defense, but not for quashing the proceedings. Thereafter, the learned counsel for the petitioner after explaining the series of litigations pending between the parties, highlighting the plight of the petitioner's seek for expeditious disposal of D.V.No.17 of 2016.

3. In view of the restricted relief sought for by the petitioner at this stage, this Court is of the view that notice to the respondent can be dispensed with.

4. It is pointed out by the learned counsel for the petitioner that already the first petitioner herein viz., husband took out proceedings in H.M.O.P.No.27 of 2012 for divorce and the divorce was granted by judgment dated 12.12.2013; challenging the same, the wife viz., the respondent herein has filed an appeal in



A.S.No.7 of 2014 and by judgment dated 29.06.2014, the decree of divorce was reversed and the petition was dismissed; thereafter, the wife is stated to have filed a false complaint, i.e., after a prolonged period.

5. Whether the complaint is false or not is a matter to be looked into by the Trial Court, which is enquiring into the complaint of D.V.No.17 of 2016. However, it is pointed out by the learned counsel for the petitioner that the first petitioner is employed as Chief Engineer in Air India, Mumbai and therefore, the frequent appearance of the first petitioner before the Court below will hamper his duties and would be at the cost of time, energy, money and loss of pay. The second petitioner is stated to be aged about 65 years. Being a senior citizen suffering from age related problem, he will not be in a position to appear before the Court below. There is an undertaking by both the first and second petitioners that they would appear before the Court below as and when it is indispensable.

6. Having regard to the fact that already one round of matrimonial proceedings has been completed and having regard to the facts and circumstances of the case, the learned Judicial Magistrate No.II, Nagercoil is directed to dispose of D.V.No.17 of 2016 as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

7. Till such time, unless it is indispensable, the appearance of the first and second petitioners herein before the Court below in D.V.No.17 of 2016 is ordered to be dispensed with.

8. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

To
The Judicial Magistrate No.II, Nagercoil,
Kanyakumari District.

+1cc to Mr.B.Jeyakumar, Advocate in Sr.No.31522
JA-AAL-MPA-12.07.2016;2P:3C

Cr1.O.P (MD) No.9391 of 2016
20.06.2016