

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.07.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

CrI.OP.No.3795/2017

&

CrI.MP.No.8424, 8439/17

Binoraj

..Petitioner/Accused

Vs

1.State, Rep. by
Inspector of Police,
W-23, All Women Police Station,
Madipakkam, Chennai 600 091.

2.S.J.Beulah Jasmine

..Respondents/Complainant &
Defacto

This petition filed under Section 482 of Cr.P.C., praying to quash the case in C.C.No.277/2015 pending on the file of learned Judicial Magistrate, Alandur.

For Petitioners: Mr.M.Anandaraj

For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor
(For R1)

No appearance (For R2)

O R D E R

The present petition has been filed to quash the proceedings in CC.No.277/2015 on the file of the learned Judicial Magistrate, Alandur.

2. The learned counsel for the petitioner brought to my notice the order passed by the learned III Additional Judge, Family Court, Chennai in OP.No.2628/2016 dated 21.01.2017 whereby a decree of divorce by mutual consent was granted to the petitioner and second respondent by resolving the marriage that took place between them on 17.01.2013. One of the terms of the settlement was that the second respondent shall cooperate to quash the proceedings in C.C.No.277/2015, which is under challenge in the present petition. Private notice ordered by

this Court was served on the second respondent and the same has been received by her and today her name is printed in the cause list. Inspite of the same, she has not appeared before this Court.

3. I am of the view that since the decree of divorce by mutual consent has also been granted, the second respondent seems to be disinterested in cooperating with the petitioner. In any case, the terms of understanding for mutual divorce was with the second respondent and should cooperate for quashing of the criminal case in CC.No.277/2015.

4. In view of the fact that the second respondent has not appeared before this Court, I am of the considered view that the criminal proceedings deserves to be quashed. Consequently, the criminal proceedings in CC.No.277/2015 on the file of the learned Judicial Magistrate, Alandur, is quashed and this Criminal Original Petition stands allowed. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

jbm/sai

To

1.The Inspector of Police,
W-23, All Women Police Station,
Madipakkam, Chennai 600 091.

2.The Public Prosecutor,
High Court, Madras.

3. The Judicial Magistrate, Alandur.

+ 1 cc to Mr.M.Anandaraaj, Advocate SR.47208

Crl.OP.No.3795/2017

SR(CO)

EU 26.7.17