

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.11.2018

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.No.7845 of 2011
and
M.P.Nos.1 & 2 of 2011

1.Gandhimathi
2.Ramachandran
3.Mullaiyammal
4.Dhanalakshmi
5.Vedavalli
6.Arumugham
7.Shanmugam
8.Chelladurai
9.Amirathavalli
10.Rajeswari
11.Dhakshinamoorthy
12.Rathinasami
13.Erulappa Gounder
14.Jagadhambal
15.Kuppusamy
16.Sarathambal
17.Thiyagarajan
18.Mariyappan

.. Petitioners

Chellam

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for records connected with C.C.No.791 of 2008 on the file of the District Munsif cum Judicial Magistrate, Vedaranyam, Nagapatinam and quash the same as illegal.

For Petitioners : Mr.N.Palanivel
For Respondent : No appearance

ORDER

Heard the learned Counsel appearing for the petitioners.

2. The Criminal Original Petition has been filed by the petitioners to quash the proceedings pending against them in C.C.No.791 of 2008 on the file of the District Munsif cum Judicial Magistrate, Vedaranyam.

3. Though notice was served as early as on 25.04.2011, there is no representation on behalf of the respondent / defacto complainant. Finding that the respondent is not inclined to contest the case, this Court feels that it is fit to dispose the case on merits on the basis of the materials available on record.

4. It appears that the private complaint filed by the respondent herein as against the petitioners was originally taken on file by the learned Judicial Magistrate, Thiruthuraipoondai in C.C.No.112 of 2007 and subsequently, transferred to the District Munsif cum Judicial Magistrate, Vedaranyam and renumbered as C.C.No.791 of 2008. A perusal of the complaint and the docket sheet entries depicts that the defacto complainant, viz., the respondent herein is the wife of the 18th petitioner herein and they are having two daughters and one son through their wedlock. However, her husband had illegal relationship with various other married women and treated her with cruelty and ultimately, he had married the first petitioner herein and thereby, committed the offence punishable under Sections 497, 498 & 494 IPC. The complainant further alleges that the petitioners 2 & 3 are the parents of the first petitioner and the rest of the petitioners are the sisters of the 18th petitioner and their respective husbands. According to the complainant, the relatives alone had conducted the second marriage of the 18th petitioner with the first petitioner and therefore, they are also punishable under Section 494 IPC.

5. This Court has considered the submissions made by the learned Counsel for the petitioners and also perused the documents placed on record.

6. Except the allegations of adultery and second marriage, the respondent / defacto complainant has not made out any case as against petitioners 1 to 17 for the offence punishable under Section 494 IPC. If at all, it is for the respondent to prove the case as against her husband / the 18th petitioner. Insofar as the other petitioners, who are the aged parents of the first petitioner and sisters of the 18th petitioner and their respective husbands, are concerned, this Court is of the view that they are unnecessarily dragged into the criminal proceedings to intimidate them, especially, when there is no incriminating circumstances as against them.

7. For the foregoing reasons, this Court is inclined to quash the criminal proceedings as against petitioners 1 to 17 alone. Accordingly, the criminal proceedings in C.C.No.791 of 2008 on the file of the District Munsif cum Judicial Magistrate, Vedaranyam, as against the petitioners 1 to 17 alone are quashed. The District Munsif cum Judicial Magistrate, Vedaranyam, is directed to expedite the trial as against the 18th petitioner.

8. In the result, the criminal original petition is allowed in part. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

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Sub Assistant Registrar

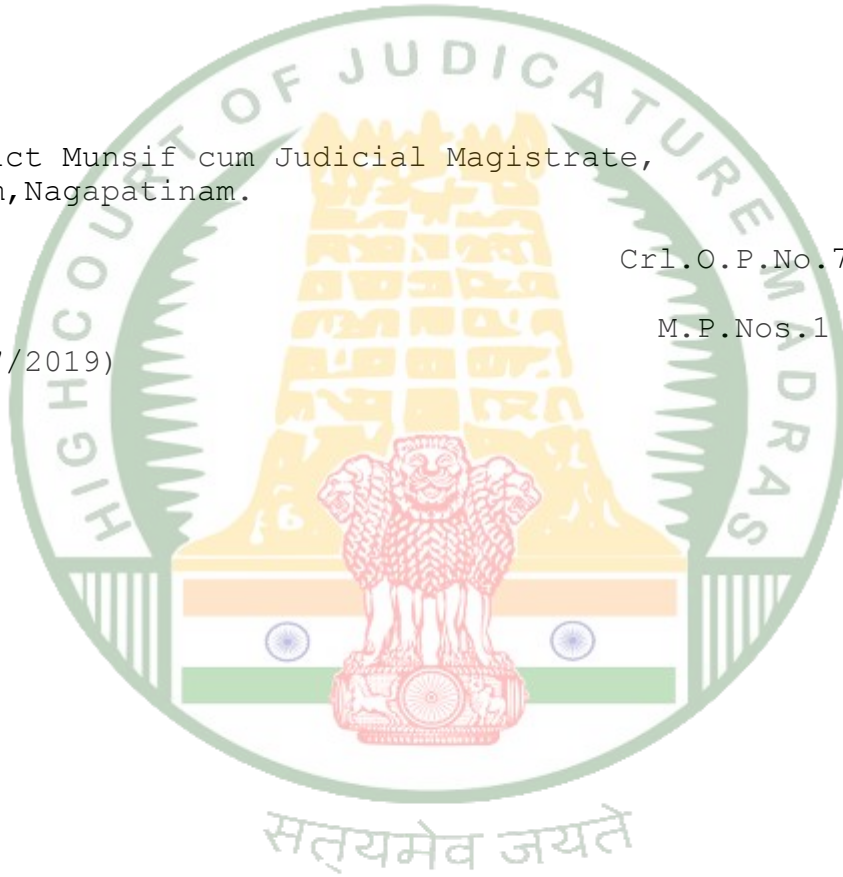
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To

The District Munsif cum Judicial Magistrate,
Vedaranyam, Nagapatinam.

A.SK(15/07/2019)

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