

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2018

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.12283 of 2018 and
Crl.M.P No.6518 of 2018

Siva @ Sivagnanam
Petitioner

Vs.

1. The Inspector of Police
W 32. All Women Police Station
Madipakkam,
Chennai.

2. N. Ambika
Respondents

(R2 suo motu impleaded, vide order of the Court dated 05.07.2018)

Criminal Original Petition filed under Section 482 Cr.P.C.,
to issue suitable direction to the Judicial Magistrate Court at
Alandur, Chennai-16 to take discharge and close petition under
Section 300 Cr.P.C. dated 13.03.2018 in C.C.No.568 of 2017 and
proceed as per law.

For petitioner	Mr.S.Siva @ Sivagnanam (Party- in-person)
For R1	Mr.C.Raghavan
	Govt. Advocate (Crl. Side)
For R2	Mr.A.Gokulakrishnan

ORDER

This Criminal Original Petition has been filed to issue
suitable direction to the Judicial Magistrate Court at Alandur,
Chennai-16 to take discharge and close the petition under
Section 300 Cr.P.C. dated 13.03.2018 in C.C.No.568 of 2017 and
proceed as per law.

2. On the complaint lodged by Ambika, the first
respondent police registered a case in Cr.No.3 of 2012 and after
completing the investigation, have filed a charge sheet in
C.C.No.568 of 2017 before the Judicial Magistrate, Alandur for
the offences under Sections 419, 420, 494, 498-A and 506(i) IPC
against the petitioner herein.

3. It is the case of the petitioner that he was already convicted in C.C.No.803 of 2007 by the Judicial Magistrate, Alandur and was sentenced to undergo various terms of imprisonments for the offences under Section 498-A IPC and Section 4 of the Dowry Prohibition Act, challenging which, the petitioner has filed Crl.A.No.42 of 2017 and the same is pending on the file of the District Court, Chengalput. Under such circumstances, it is the contention of the petitioner that the second prosecution in C.C.No.568 of 2017 is hit by Section 300 Cr.P.C. It is his further case that he filed an application under Section 300 Cr.P.C. on 13.03.2018 before the Judicial Magistrate, Alandur for closing the prosecution in C.C.No.568 of 2017 in terms of Section 300 Cr.P.C. and since no orders have been passed, he is before this Court.

4. Heard Mr.Siva @ Sivagnanam (petitioner- in-person)

5. On the directions of this Court, the police produced Ambika on 05.07.2018. Ambika stated that she has no means to engage a lawyer and therefore, this Court appointed Mr.A.Gokulakrishnan (Enrollment No.2358 of 2006) to appear pro bono for Ambika.

6. On a reading of the allegations in C.C.Nos.803 of 2007 and 568 of 2017, it is seen that though some of the allegations are overlapping, yet, the kernel differs. In the present charge sheet, it is alleged that the accused had suppressed his earlier marriage with one Sumangali Geetha and had got married to Ambika with an idea of cheating her. Under such circumstances, this is not a fit case where the provisions of Section 300 Cr.P.C. can be invoked. Hence, this petition is dismissed with a direction to the Judicial Magistrate, Alandur to proceed with the trial in C.C.No.568 of 2017 in accordance with law. Consequently, connected miscellaneous petition is closed.

Sd/-

सत्यमेव जयते Assistant Registrar (CS-IV)

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Sub Assistant Registrar

gms

To

1. The Inspector of Police
W 32. All Women Police Station
Madipakkam,
Chennai.

2.The Judicial Magistrate Court at Alandur,
Chennai-16

3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.12283 of 2018

TR(03/08/2018)



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