

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.29549 of 2018
and
Cr1.MP.Nos.17349 and 17350 of 2018

Dhanalakshmi : Petitioner / 2nd accused

Vs.

Venkattammal : Respondent / Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records and quash the proceedings in C.C.No.227 of 2011 on the file of the Judicial Magistrate - I, Krishnagiri.

For Petitioner : Mr.S.Swamidoss Monokaran

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.227 of 2011 pending on the file of the Judicial Magistrate - I, Krishnagiri.

2.The respondent has filed a complaint against one R.Chandran and this petitioner for an offence under Section 494 of IPC in C.C.No.227 of 2011. The case of the respondent is that the said Chandran has married this petitioner as the second wife.

3. The above said Chandran has filed a Criminal Original Petition in 19649 of 2012 before this Court seeking to quash the proceedings in C.C.No.227 of 2011. This Court after hearing the respondent and also considering the entire materials placed on record, came to a categorical conclusion that the so called second marriage between the said Chandran and this petitioner was not proved. This Court also found that there was no bonafides in the complaint and thereafter this Court by an order dated 06.09.2018, quashed the complaint insofar as Chandran is concerned.

4.The learned counsel for the petitioner would submit that in view of the quashing of the complaint insofar as A1 namely,

Chandran is concerned, nothing will survive as against this petitioner who is said to have married the said Chandran for the second time during the subsistence of the first marriage. The learned counsel for the petitioner also placed reliance upon the judgment of this Court reported in 2008 (2) CTC 153 and submitted that the quashing of the complaint as against A1, will also enure to the benefit of this petitioner since the case is inseparable as between these two accused persons.

5. This Court has carefully considered the submissions made by the counsel for the petitioner. In view of the fact that the proceedings have been quashed insofar as A1 is concerned, no useful purpose will be served by keeping the proceedings pending as against the present petitioner who is added as A2 in the complaint. The complaint cannot independently survive as against this petitioner in the absence of A1.

6. That apart the findings given by this Court, while quashing the proceedings for A1, will equally apply to the present petitioner also and the petitioner is entitled to the benefit that has been given to A1.

7. In the result, the proceedings in C.C.No.227 of 2011 on the file of the Judicial Magistrate - I, Krishnagiri is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msrm/gsp

To

The Judicial Magistrate - I, Krishnagiri

+1cc to Mr.S.Swamidoss Monokaran, Advocate sr.no.88107

CrI.O.P.No.29549 of 2018

kji(co)
nr 10/01/2019