



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P. (MD)No.1909 of 2014

and

M.P. (MD) .Nos.1 & 2 of 2014

1.Ramkumar

2.Sivakumar @ Raja

: Petitioners / Accused Nos.5 & 6

Vs.

The Inspector of Police,

All Woman Police Station, Thanjavur. : Respondent / Complainant
(Crime No.6 of 2004)

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the proceedings in Split up C.C.No.328 of 2011, on the file of the Judicial Magistrate No.I, Thanjavur and quash the same.

For Petitioners

: Mr.Sundara Pandian

For Respondent

: Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

This Petition has been filed to quash the criminal proceedings in C.C.No.328 of 2011, on the file of the Judicial Magistrate No.I, Thanjavur, taking cognizance for the offences under Sections 498(A) I.P.C. and Section 4 of Dowry Prohibition Act r/w 109 I.P.C.

2. The learned counsel appearing for the petitioners contended that there are totally six accused in this case, in which the petitioners are arraigned as Accused Nos.5 and 6. The second petitioner / 6th accused suffered from cancer and due to which he died. He further contended that due to their absence before the trial Court, the case was split up in C.C.No.328 of 2011, on the file of the learned Judicial Magistrate No.I, Thanjavur, for the offences under Sections 498(A) I.P.C. and Section 4 of Dowry Prohibition Act r/w 109 I.P.C. Insofar as Accused Nos.1 to 4 are concerned, the trial was conducted by the learned Judicial Magistrate No.I, Thanjavur in C.C.No.110 of 2005. The Accused Nos.1 to 4 were acquitted in C.C.No.110 of 2005 dated 12.02.2013 by the learned Judicial Magistrate No.1, Thanjavur. However, he would further contend that the de facto complainant got remarried and living separately with some other person. The first accused / the husband of the de facto complainant also got remarried and living separately. The allegations are only against accused Nos.1 to 4.



Therefore, he prays for quashing of the criminal proceedings.

3. The learned Additional Public Prosecutor appearing for the respondent would submit that as far as the petitioners are concerned, the case has been split in C.C.No.328 of 2011 and for the remaining accused persons 1 to 4, C.C.No.110 of 2005 has been ended in acquittal by judgment dated 12.02.2013 on the file of the learned Judicial Magistrate No.I, Thanjavur. Since the petitioners were absconded, non bailable warrant has been issued against them and their case has been split up in C.C.No.328 of 2011. Therefore, he prays for dismissal of the quash Petition.

4. On perusal of the documents, the case has been split up as against the petitioners in C.C.No.328 of 2011, on the file of the learned Judicial Magistrate No.I, Thanjavur. As far as the accused Nos.1 to 4 are concerned, the case has been ended in acquittal in C.C.No.110 of 2005, by an order dated 12.02.2013, passed by the learned Judicial Magistrate No.1. Thanjavur. It is also seen from the statement recorded under Section 161 Cr.P.C. the entire allegations are only against Accused Nos.1 to 4 herein. The allegations against the petitioners are vague and no specific allegations are levelled against the petitioners herein. Moreover, the second petitioner / 6th Accused was died. Therefore, this Criminal Original Petition was dismissed as abated insofar as the second petitioner is concerned.

5. Considering the above facts and circumstances of the case, this Court quashes the criminal proceedings in C.C.No.328 of 2011, pending on the file of the learned Judicial Magistrate No.I, Thanjavur, against the fifth accused / first petitioner herein.

6. In view of the above, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(C.O)

/True Copy/

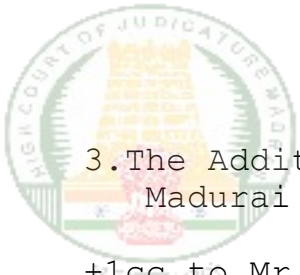
Sub Assistant Registrar(CS-II)

tsg
To

1.The Judicial Magistrate No.I, Thanjavur.

2.The Inspector of Police,

<https://hcservices.ecourts.gov.in/hcservices/>
All Women Police Station, Thanjavur.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.S.Sundara Pandian, Advocate in SR No.83213

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NM/RSK/SAR 2/01.10.18/3P/5C