



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

WEB COPY

CRL.OP.(MD)No.12717 of 2018andCRL.MP.(MD)No.5797 of 2018

M.Venkatesan

... Petitioner/Accused No.1

Vs.

1.The State rep. by
The Inspector of Police,
All Women Police Station,
Vallam, Thanjavur District.
(Crime No.2 of 2018)

... Respondent No.1/Complainant

2.Archana @ Lakshmipriya

... 2nd Respondent /Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for the records in Crime No.2 of 2018, on the file of the All Women Police Station, Vallam, Thanjavur District and quash the same.

For Petitioner
For R.1

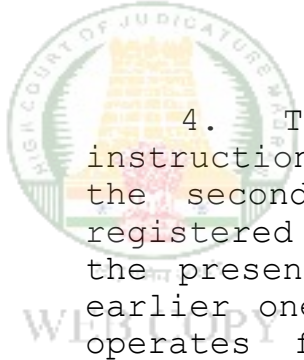
: Mr.S.Vijayakumar
: Mr.Prabhu Ramachandran
Government Advocate (Crl. side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Crime No.2 of 2018, dated 19.02.2018, pending on the file of the first respondent police.

2. Heard the learned Counsel appearing for the respective parties.

3. According to the petitioner, the second respondent / de-facto complainant, who is his wife, on 21.06.2016, has made a complaint as against the petitioner levelling some allegations and the said complaint was closed on her consent. Thereafter, a Consent Divorce Agreement Deed, dated 31.07.2016, was also executed between the parties. Suppressing these facts, for the same set of allegations, which were made in the earlier complaint, the second respondent has now made the present complaint and therefore, he prays for quashing the impugned proceedings.



4. The learned Government Advocate (Crl. Side), on instructions, would submit that the based on the complaint given by the second respondent / de-facto complainant, a case has been registered in Cr.No.2 of 2018. He would further submit that whether the present complaint has the same set of allegations as of the earlier one can be decided only if the petitioner appears and co-operates for enquiry, by producing necessary documents. After investigation, the first respondent shall consider the same and submit a report before the concerned Judicial Magistrate.

5. In view of the submission made by the learned Counsel on either side, this Court is not inclined to interfere with the impugned proceedings at this stage. Hence, this Criminal Original Petition is disposed of, with a direction to the first respondent police to issue summons to the parties concerned, in the manner known to law and complete the investigation within a period of three weeks from the date of receipt of a copy of this order and thereafter, file a report before the concerned Judicial Magistrate. On receipt of summons, the parties shall appear before the first respondent police and co-operate for enquiry. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-III)

To

- 1.The Inspector of Police,
All Women Police Station,
Vallam, Thanjavur District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.S.Vijaya Kumar Advocate in SR.No.75129.

GK

DS/SKN-RSKS/SAR-3 :06.08.2018: 2P/4C

CRL.OP. (MD) No.12717 of 2018
26.07.2018