



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.07.2018
CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

WEB COPY

Cr1.O.P.(MD).No.11596 of 2011
and
M.P(MD).No.1 of 2011
and
Cr1.M.P(MD).No.2257 of 2018

1.Sumathi
2.Alagarsamy
3.Pushpa
4.Pandi@Pandiyarajan

...Petitioners/ Accused Nos.2 to 5

Vs.

1.The State represented by
The Inspector of Police
All Women Police Station
Aruppukkottai

2.Deepa ...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to C.C.No.198 of 2011 on the file of the Judicial Magistrate Court, Aruppukkottai, Virudhunagar District and quash the same as illegal in so far as the Petitioners alone.

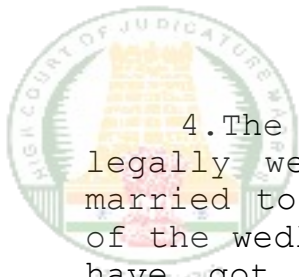
For Petitioners	:Mr.R.Murugappan
For R1	:Mr.A.Robinson
	Government Advocate
	(Cr1.Side)
For R2	:Mrs.S.Poorna Chandran

O R D E R

This petition has been filed to call for the records pertaining to C.C.No.198 of 2011 on the file of the Judicial Magistrate Court, Aruppukkottai, Virudhunagar District and quash the same as illegal.

2.Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Cr1.Side) appearing for the first respondent and the learned counsel appearing for the second respondent.

3.The petitioners are figuring as Accused Nos.2 to 5 in C.C.No.198 of 2011 on the file of the learned Judicial Magistrate, Aruppukkottai. The second respondent is the defacto complainant. On her complaint, Crime No.09 of 2010 was registered.



4.The complaint of the second respondent is that she is the legally wedded wife of the first accused Suresh Kumar. She got married to him in the year 2001. It appears that no child was born of the wedlock. Therefore, the first accused Suresh Kumar is said to have got married to the first petitioner Sumathi. The second respondent was also driven out of the matrimonial home. The second respondent therefore alleged the commission not only the offence of bigamy but also matrimonial cruelty. The first respondent undertook the investigation and filed the final report and the same was taken on file as C.C.No.198 of 2011 on the file of the learned Judicial Magistrate, Aruppukkottai. To quash the same, this Criminal Original Petition has been filed.

5.The learned counsel for the second respondent has produced a copy of the birth certificate, which indicates that the first petitioner had begotten a child through Suresh Kumar. Of course, the said document is not a part of the record. In this situation, the petitioners herein in order to purchase peace, offer to pay a sum of Rs.1,00,000/-(Rupees one lakh only). This Court directs the petitioners to deposit a sum of Rs.1,00,000/-(Rupees one lakh only) to the credit of C.C.No.198 of 2011 on the file of the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District within a period of four weeks from the date of receipt of a copy of this order. The second respondent is permitted to withdraw the said amount. In view of the same, the impugned proceedings stands quashed as regards the petitioners are concerned.

6.It is made clear that if the undertaking given by the petitioners before this Court is not honoured within the aforesaid period, this order would stand recalled automatically and this Criminal Original Petition would stand dismissed.

7.There are prima facie allegations against the first accused Suresh Kumar. The learned counsel for the petitioners had earlier appeared for him. He stated that the said Suresh Kumar filed the quash petition before this Court and same was dismissed as withdrawn.

8.The trial Court is directed to conclude the entire trial proceedings within a period of three months from the date of receipt of a copy of this Order.

9.With these directions, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/



To

1.The Judicial Magistrate,
Aruppukkottai
Virudhunagar District.

2.The Inspector of Police
All Women Police Station
Aruppukkottai

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

+1cc to M/S.R.Murugappan, Advocate SR.No. 74871

+1cc to M/S.S.Poorna Chandran, Advocate SR.No. 74958

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msa

JM/KAK/SAR 2/07.08.2018/3P/6C