



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl. OP (MD)Nos.17839 of 2013, 4597 of 2014

and

MP(MD)No.1 of 2013 in Crl OP(MD)No.17839 of 2013

&

MP(MD)No.1 and 2 of 2014 in Crl OP(MD)No.4597 of 2014

1.Rajendran
2.Periyasamy
3.Leelavathi
4.Vadivel
5.Chandrasekar
6.Ambika
7.Nagaraj

...Petitioners/Accused Nos. 1 to 7
in both cases

Vs.

1.Ananthi
2.Minor.Srividhya

... Respondents/Complainants
in Crl OP(MD)No.17839 of 2013

1. State :Inspector of Police,
Dindigul All Women P.S,
Dindigul District.
(Crime No.12/2013)

...1st Respondent in
CrlOP(MD)No.4597 of 2014

2.Ananthi

... 2nd Respondent/Defacto
Complainant
in Crl OP(MD)No.4597 of 2014

Prayer in Crl OP(MD)No.17839 of 2013 : This Criminal Original Petition is filed Under Section 482 of Criminal Procedure Code to call for the records relating to the charge sheet in Private Complaint in Cr.MP No.3835 of 2013 on the file of the learned Judicial Magistrate No.III, Dindigul and quash the same.

Prayer in Crl OP(MD)No.4597 of 2014: This Criminal Original Petition is filed Under Section 482 of Criminal Procedure Code to call for the records relating to the charge sheet in C.C.No.36 of 2014 on the file of the learned Judicial Magistrate No.II, Dindigul and quash the same.

For Petitioner : Mr.V.Kannan
in both cases
For Respondents
in Crl OP(MD)No.17839 of 2013 : No appearance

For Respondents
in CrlOP(MD)No.4597 of 2014 : Mr.A.P.Balasubramani,crl side
Govt.Advocate for R1

**ORDER****CrI OP(MD)No.17839 of 2013 :****WEB COPY**

The petitioners have filed this petition for quashing the proceedings in Cr.MP No.3835 of 2013 on the file of the learned Judicial Magistrate No.III, Dindigul. The said proceedings have initiated by the first respondent herein under the provisions of the Protection of Women from Domestic and Violence Act, 2005. Though the respondents have been served and their names also printed in the cause list, there is no appearance on their behalf.

2.The learned counsel for the petitioners submitted that the first respondent was already married to one Santhosh Kumar on 05.09.2010 and suppressing the above said fact, she married the first petitioner herein on 07.02.2011. Be that as it may, it is seen from the record that the first petitioner herein filed OS.No.1 of 2015 before the Family Court, Dindigul seeking declaration that the marriage solemnized on 07.02.2011 with the first respondent herein as null and void. The said suit has since been decreed on 24.08.2017.

3.The learned counsel for the petitioners submits that the said decree dated 24.08.2017 in OS.No.1 of 2015 on the file of the Family Court, Dindigul has not been stayed or set aside as on date. He also would point out that the first respondent filed a maintenance case in M.C.No.22 of 2014 before the Family Court, Dindigul. But the same was dismissed for default on 18.09.2015.

4.Taking note of the twin circumstances, this Court is of the view that no purpose will be served by keeping the impugned proceedings alive. It can only be said to be an abuse of legal process. Hence, this impugned proceedings are quashed.

CrI OP(MD)No.4597 of 2014:

This petition has been filed by the very same petitioners for quashing the proceedings in C.C.No.36 of 2014 on the file of the learned Judicial Magistrate No.II, Dindigul. The first respondent police have filed final report under Section 294(b), 506(i) IPC & Section 4 of TNPWH Act as regards A1, A2, A4, A5 and A7 and as regards A3 and A6, the final report was filed under Section 294(b) and 506(i) IPC.

<https://hcservices.ecourts.gov.in/hcservices/>
2.For the reasons stated above, the impugned prosecution in C.C.No.36 of 2014 on the file of the learned Judicial Magistrate No.II, Dindigul is also liable to be quashed. It is accordingly



quashed. Both the Criminal Original Petitions are allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(P&A)

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/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Dindigul.
2. The Judicial Magistrate No.III,
Dindigul.
3. Do Thro Chief Judicial Magistrate,
Dindigul.
4. The Inspector of Police,
Dindigul All Women P.S,
Dindigul District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2cc to Mr.V.Kannan, Advocate Sr.No.62984,62985

SKM

VB/SB/SAR2/09.07.2018/3P/8C

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and
MP(MD)No.1 of 2013 in CrI OP(MD)No.17839 of 2013
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