

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.04.2019

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.11016 of 2013
and
M.P.Nos.1 & 2 of 2013

D.Nancy Monica ... Petitioner/Accused No.2

Vs.

1.Mrs.Binu Kumaran ... Respondent/Complainant

2.P.S.Kumaran ... Respondent/Accused No.1

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in the C.C.no.1070 of 2012 on the file of the II Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioner : Mr.P.Srinivasan

For Respondent : No appearance

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O R D E R

This Criminal Original Petition is filed to call for the records in the C.C.no.1070 of 2012 on the file of the II Metropolitan Magistrate, Egmore, Chennai and quash the same.

2.The first respondent filed a private complaint before the II Metropolitan Magistrate, Egmore, Chennai for bigamy and inter alia and the complaint was taken on file in C.C.No.1070 of 2012 as against the petitioner and the second respondent.

3.It is represented by the learned counsel for the petitioner that the above said C.C.No.1070 of 2012 came to be dismissed on 21.04.2014, under Section 256 Cr.P.C. and the II Metropolitan Magistrate, Egmore, Chennai acquitted the petitioner and the second respondent.

4.This Court considered that it is useful to extract the order dated 21.04.2014 passed by the II Metropolitan Magistrate,

Egmore, Chennai as under:

"Complainant absent. No representation. Accused absent. Complainant did not adduce every evidence, even after issuing notice. Complainant presence is essential to proceed with the case. As complainant is absent and not takes steps to proceed with the case, complaint is dismissed U/s. 256 Cr.P.C. Accused is acquitted."

5.It is also seen from the above said order that notice had been sent to the first respondent, despite the same she failed to appear before the Lower Court and hence, the Lower Court had dismissed the case under Section 256 Cr.P.C. and acquitted the petitioner and the second respondent. In view of the same nothing survives for adjudication in this matter.

6.Hence, this Criminal Original Petition stands dismissed. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The II Metropolitan Magistrate,
Egmore, Chennai.

Crl.O.P.No.11016 of 2013

AK(CO)

RRS(10/05/2019)

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