

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.2221 of 2015

and

M.P No.1 of 2015

1.C.Viayakumar
2.Chinnathambi
3.Pachaiyammal
4.Mangammal
5.Kavitha
6.Govindasamy
7.Vijaya
8.Kannapiran
9.Rajagopal
10.Shanthi
11.Malliga
12.Mithu Bala @ Vithu Bala
13.Murugan

...Petitioners

Vs.

1.The State Rep. By the
Inspector of Police,
All Women Police Station,
Dharmapuri
Dharmapuri District.

2.Sai Sudha

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pending on the file of the learned Judicial Magistrate No.I, Dharmapuri, Dharmapuri District in C.C No.130 of 2012 and quash the criminal proceedings

For Petitioner : Mr. E.Kannadasan
For Respondent : Mr.C.Raghavan
Government Advocate(Crl.Side)

ORDER

This petition has been filed challenging the final report filed before the Court below and taken on file for an offence under Sections 498-A, 406 and 506(ii) of IPC.

2. The petitioners are the husband and in-laws of the second respondent.

3. The second respondent has been served with notice and her name has also been printed in the cause list and there is no representation for the second respondent. This Court proceeds to deal with this petition on merits.

4. The learned counsel for the petitioners submitted that already the marriage between the first petitioner and the de-facto complainant has been dissolved by the Principal Sub Court, Krishnagiri by judgment and decree, dated 15.11.2012 made in H.M.O.P No.97 of 2012 and the said decree has become final. The learned counsel further submitted that the first petitioner has already married and he has a child. The learned counsel also brought to the notice of this Court the fact that the de-facto complainant has also remarried and she also has a son, out of the said marriage.

5. In view of the above development, this Court does not want to go into the various grounds that have been raised in this petition. This Court is of the considered view that no useful purpose will be served in keeping this petition pending and it will be an abuse of process of Court to make the petitioners face a trial at this stage.

6. In the result, proceedings in C.C No.130 of 2012 on the file of the Judicial Magistrate No.I, Dharmapuri is hereby quashed and accordingly, these Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.I,
Dharmapuri.

2. The Inspector of Police,
All Women Police Station,
Dharmapuri
Dharmapuri District.

3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No. 63577

CRL.OP.No.2221 of 2015
and
M.P No.1 of 2015

SS (CO)
GN (27/08/2019)