

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.15962 of 2019

and

Crl.MP.Nos.7952 & 7953 of 2019

John Britto.J.

..Petitioner

.Vs.

1.State Rep.by

The Station House Officer,
All Women Police Station,
Karaikal.

2.Amirtha Felicita

..Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to STC No.1280 of 2015 pending on the file of the Judicial Magistrate No.II, Karaikal, Puducherry and quash the same.

For Petitioner : Mr.R.Sreedhar

For R 1 : Mr. D.Bharatha Chakravarthy
Public Prosecutor
Puducherry

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in STC No.1280 of 2015, pending on the file of the learned Judicial Magistrate No.II, Karaikal, Puducherry.

2.Based on the complaint given by the 2nd respondent, the respondent Police registered an FIR in Cr.No.3 of 2014, for an offence under Section 294 & 507 IPC. After the completion of the investigation, a Final Report was filed before the Court below and the same was taken on file in STC No.1280 of 2015.

3.The case has been pending without any progress from the year 2015. In the meantime, the marriage between the petitioner and the de facto complainant's daughter was dissolved by judgment and decree dated 28.03.2018, made in MOP No.28 of 2016.

4. When this case came up on 21.06.2019, this Court passed the following order:

" The learned Public Prosecutor (Pondicherry) is directed to get instructions as to whether the de facto complainant's daughter has already obtained a divorce and whether the parties are interest in prosecuting any further since STC is of the year 2015.

Post the matter on 28.06.2019, under the same caption".

5. The learned Public Prosecutor on instructions submitted that the de facto complainant has already given in writing that the marriage has already been dissolved and the parties are not in a position to prosecute this case any further and the letter written by the de facto complainant to the 1st respondent was also placed before this Court.

6. In view of the above development, no useful purpose will be served by keeping the proceedings pending. That apart, the nature of dispute was a matrimonial dispute between the parties for minor offences. The continuation of the proceedings any further, will amount to abuse of process of Court.

In the result, the proceedings in STC No.1280 of 2015 pending on the file of the learned Judicial Magistrate No.II, Karaikal, Puducherry is hereby quashed and accordingly, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

KP

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Karaikal, Puducherry.

2.The Station House Officer,
All Women Police Station,
Karaikal.

3.The Public Prosecutor,
Puducherry.

+1 cc to Mr.R.Sreedhar, Advocate, S.R.No.64766

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PA(CO)
SSM(05/09/2019)



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