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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.07.2019
CORAM:
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.No.18219 of 2019
and
Crl.M.P.Nos.9242 and 9243 of 2019

Nalini

... Petitioner

Vs.

1.State represented by
Inspector of Police,
Reddiyarpalayam Police Station,
Puducherry.

2.Amsaveni

... Respondents

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in connection with C.C.No.110 of 2016 on the file of the Learned Judicial Magistrate No.III, Puducherry and quash the same.

For Petitioner : Mr.S.Saravana Kumar
For R1 : Mr.Bharatha Chakravarthi
Public Prosecutor - Puducherry

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.110 of 2016, pending on the file of the learned Judicial Magistrate No.III, Puducherry.

2.Based on the complaint given by the defacto complainant, the respondent police registered a First Information Report against four named accused persons, for offences under Section 447, 294(b), 323, 506(ii) IPC r/w Section 34 IPC. The investigation was completed and final report was also filed before the Court below and the same was taken cognizance in C.C.No.110 of 2016. The present petitioner has been ranked as A1.

3.The case of the prosecution is that there was a wordy quarrel between A1 and the defacto complainant's son and both got separated. On 19.06.2014, the accused persons are said to have gone to the office of the defacto complainant's son and caused some disturbance. Thereafter, they came to the house of



the defacto complainant and abused her in filthy language and threatened her with dire consequences and also attacked her.

4.The learned counsel for the petitioner submitted that there was a matrimonial dispute between A1 and the son of the defacto complainant. Therefore, a false complaint was given against the petitioner and her family members. The learned counsel further submitted that the husband of the petitioner died on 07.12.2016 and the defacto complainant who is the second respondent herein, died on 22.04.2016. The learned counsel submitted that there is no one to proceed further to conduct the prosecution and the entire proceedings have come to a standstill. The learned counsel for the petitioner submitted that even trial has not commenced in this case.

5.The learned Public Prosecutor appearing for the first respondent police submitted that the husband of the petitioner and the defacto complainant have died in the year 2016 itself and therefore, there is no progress in the proceedings that is pending before the Court below.

6.This Court has carefully considered the submissions made on either side and the materials available on record.

7.The fact remains that both the husband and the mother-in-law of the petitioner have died in the year 2016 itself and the proceeding has come to a grinding halt without any progress. No useful purpose will be served by keeping the proceedings pending. The entire criminal prosecution arose out of a matrimonial dispute between the petitioner and her husband. This Court, therefore, is of the view that no useful purpose will be served in keeping the proceedings pending.

8.In view of the above, the proceedings in C.C.No.110 of 2016 on the file of the learned Judicial Magistrate No.III, Puducherry, is quashed in so far as all the accused persons are concerned.

9.In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



pnn

To

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Inspector of Police,
Reddiyarpalayam Police Station,
Puducherry.

+lcc to Mr.S.Saravana Kumar, Advocate sr.59845

+lcc to Public Prosecutor, Puducherry sr.59336

Crl.O.P.No.18219 of 2019

and

Crl.M.P.Nos.9242 and 9243 of 2019

rsv(co)

nr 06/08/2019