

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.18641 of 2019, Crl.O.P No.3858 of 2017
and Crl.O.P.No.2217 of 2015
and Crl.M.P No.9465 of 2019 & Crl.M.P No.2843 of 2017

B.Sripathi Petitioner
in Crl.O.P.No.18641 of 2019

Santhanalakshmi
A.P.Shanmugam
Nagarathinam
Sivanantham
Varun Babu Petitioners
in Crl.O.P.No.3858 of 2017

R.Kumar Petitioner
in Crl.O.P.No.2217 of 2015

vs.

1. The Inspector of Police,
All Women Police Station Perur,
Perur, Coimbatore.
(Crime No.40 of 2013)

2. R.Janani Respondents
in all Crl.O.Ps

COMMON PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records relating to the charge sheet filed in C.C.No.40 of 2014 in FIR in Crime No.40 of 2013 on the file of the Judicial Magistrate, Additional Mahila Court, Coimbatore and quash the same.

For Petitioners: Mr.D.Jaganathan
Ms.C.Uma

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1

C O M M O N O R D E R

These petitions have been filed seeking for quashing the proceedings in C.C.No.40 of 2014 which is pending on the file of the Judicial Magistrate, Additional Mahila Court, Coimbatore. The petitioners are the husband, in-laws, relatives of the husband and the uncle of the defacto complainant.

2. Defacto complainant got married to A1 in the year 2013. There was a dispute between the parties right from the beginning and the defacto complainant gave a complaint before the respondent police and an FIR was registered in Crime No.40 of 2013. After the completion of the investigation, final report was also filed before the Court below and the same was taken on file in C.C.No.40 of 2014 for the offences under Sections 294 (b), 498(A) r/w 109 and 506(i) of IPC.

3. It is seen from records that, after the final report was filed, A1 and the defacto complainant arrived at a compromise and decided to dissolve the marriage by mutual consent. Therefore, a petition was filed in HMOP No.484 of 2015 before the Additional Family Judge, Coimbatore and the Additional Family Judge, Coimbatore by Judgement and decree dated 15.10.2015, dissolved the marriage between A1 and the defacto complainant. Thereby, the entire dispute came to an end.

4. The learned counsel appearing on behalf of the petitioner submitted that no useful purpose will be served by keeping the criminal proceedings pending since the defacto complainant has obtained divorce by mutual consent in the year 2015 itself and she is no more interested in the prosecuting the case. The learned counsel further submitted that the entire family members have been roped in as accused persons and criminal proceedings itself is an abuse of process of Court.

5. The 2nd respondent is represented by a counsel and his name is also printed in the cause list, however none appeared on behalf of the 2nd respondent.

6. Taking into consideration the facts and circumstances of the case, no useful purpose will be served in keeping the criminal proceedings pending since the marriage itself has been dissolved by mutual consent in the year 2015. The pendency of the criminal proceedings will amount to an abuse of process of Court and the same requires interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

10. In the result the proceedings in C.C.No.40 of 2014 on the file of the Judicial Magistrate, Additional Mahila Court, Coimbatore is hereby quashed, accordingly these Criminal original petitions stands allowed. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

ssr

To

1. The Judicial Magistrate,
Additional Mahila Court,
Coimbatore
 2. The Inspector of Police,
All Women Police Station Perur,
Perur, Coimbatore.
 3. The Public Prosecutor,
High Court of Madras,
Madras.
- +2 CCS to Mr.P. Jeganathan, Advocate sr 61690, 61691.

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AD(CO)
SP(28/08/2019)

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