

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:02.08.2019
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
Crl.O.P.No.11333 of 2017
in Crl.M.P.No.7447 of 2017

G.Nakkeeran

... petitioner

Vs.

Balakumar

...Respondent

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.3801 of 2016, on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner : M/s.R.John Sathyan
For Respondents: M/s.K.R.Ramakrishnan

ORDER

This petition has been filed challenging the proceedings initiated by the respondent by way of private complaint for an offence under Section 497 of IPC.

2. The Provision under Section 497 of IPC has already been held to be unconstitutional by the Hon'ble Supreme Court in Joseph Shine Vs. Union of India in W.P.(Cr) 194/2017.

3. In view of the above, complaint itself has become unsustainable and the proceedings in C.C.No.3801 of 2016, on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai, is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

1.The IX Metropolitan Magistrate, Saidapet, Chennai.

2.The Additional Public Prosecutor, High Court, Madras.

+lcc to M/s.R.John Sathyan, Advocate sr.66505

Cr1.O.P.No.11333 of 2017

ss(co)

nr 20/09/2019