



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/09/2019

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.22766 of 2013 and
M.P.(MD)Nos.1 & 2 of 2013

1. M.Shajahan
2. Jeina Begam
3. A.Sahira Banu
4. J.Ahamed Nachiyar
5. A.Syed Ibrahim

... Petitioners/Accused

Vs

1. The Inspector of Police,
Awps, Pattukkottai, Thanjavur District
Cr.No.24/2012. ... 1st Respondent/Complainant

2. Sabeena Begum,
D/o.Abdul Rahman, 22-A, Maraikayar St,
Muthuppettai,
Tiruvarur District. ... 2nd Respondent/Defacto Complainant

PRAYER :-

This Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the records from the lower Court to quash all further proceedings in CC.No.508/2013 pending on the file of the Judicial Magistrate, Pudukkottai, Thanjavur District.

(Amended as per the order of this Court dated 27.01.2014 in M.P. (MD)No.1 of 2014.)

For Petitioners	: M/s.T.K.Gopalan, Advocate.
For R-1	: Mr.A.Robinson, Government Advocate (Crl.Side)
For R-2	: Mr.K.Sridhar, for M/s.Sridhar Associates.



ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the first respondent and the learned counsel appearing for the second respondent.

2. The petitioners are facing trial in C.C. No.508 of 2013 on the file of the Judicial Magistrate, Pattukottai, for the offences under Section 498(A), 294(b), 494, 352, 406 and 506(i) of I.P.C.

3. The first petitioner got married to the defacto complainant on 10.05.1998. The marriage was solemnized at Chennai. Even at the time of marriage, the second respondent herein was a British citizen. Their matrimonial home was initially at India and thereafter, at London. The parties resided together for about 14 years. The separation took place some time in the year 2010.

4. The specific allegation of the second respondent is that the first petitioner had illicit intimacy with a close relative and that as a result thereof, the defacto complainant was put to untold cruelty and mental agony. In her complaint lodged before the first respondent, the defacto complainant had catalogued her list of grievances. Based on the information, Crime No.24 of 2012 was registered on the file of the All Women Police Station, Pattukottai and after investigation, final report was filed. Cognizance of the offence was taken in C.C.No.508 of 2013. To quash the same, this Criminal Original petition has been filed.

5. The first petitioner was the husband of the defacto complainant. The second petitioner is the elder sister of the first petitioner. Petitioners 3 and 4 are the sisters-in-law. The fifth petitioner is the nephew of the first petitioner.

6. A specific allegation has been made that the first petitioner has contracted second marriage in the year 04.11.2012. On going through the entire materials on record, I am of the view that the second marriage contracted by the first petitioner must have been the last straw on the camels back and that led to the initiation of the criminal proceedings. I am of the view that the contest is essentially between the first petitioner and the defacto complainant. The other petitioners have been roped in more out of spite.

7. The Hon'ble Supreme Court in the decision reported in 1992 Supp (1) SCC 335 (State of Haryana Vs. Bhajan Lal) laid down certain parameters which have to be borne in mind while considering a petition for quashing a criminal proceedings. One of them is as under :

" (7) Where a criminal proceeding is manifestly



maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

In such case, the inherent powers can be invoked to quash the impugned proceedings.

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8. The learned counsel appearing for the petitioners states that he would not press this Criminal Original petition as far as the first petitioner is concerned and the first petitioner would rather establish his innocence before the trial Court concerned.

9. This statement made by the petitioners' counsel is placed on record. The impugned proceedings stands quashed as far as petitioners 2 to 5 are concerned. The Criminal Original petition stands partly allowed.

10. The impugned prosecution is more than six years old. Therefore, the learned trial Magistrate is directed to conclude the proceedings in C.C.No.508 of 2013 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the matter. All the defences of the first petitioner are left open. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

TO

1. The Judicial Magistrate,
Pudukkottai, Thanjavur District.
2. The Inspector of Police,
Awps, Pattukkottai, Thanjavur District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.K. GOPALAN, Advocate (SR-88039[F] dated 20/09/2019)
+2 CC to M/s.K.SRIDHAR, Advocate (SR-87805[F] dated 19/09/2019)

ORDER

IN

CRL OP(MD) No.22766 of 2013 and M.P. (MD)

Nos.1 & 2 of 2013

Date : 19/09/2019

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<https://hcma.court.gov.in/hcma-service> 34/24/09/2019/7C