



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2019

CORAM

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI**Crl.O.P. (MD)No.2782 of 2016****and****Crl.M.P. (MD)Nos.1353 & 1354 of 2016**

1.R.Muthuraj
2.Selvi
3.Rajathi
4.Chinnapandi
5.Pownthai
6.Chellamani
7.Muthumani
8.Muthuraj @ Muthumurugan ... Petitioners

Vs.

R.Suseela ... Respondent

Prayer: Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to M.C.No.6 of 2015 on the file of the learned Judicial Magistrate, Bodinaickkanur and quash the same.

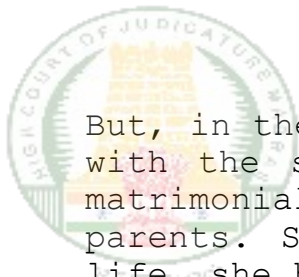
For Petitioners : Mr.K.Guhan

For Respondent : Mr.A.K.Manickam

ORDER

This criminal original petition has been filed by the petitioners to quash the proceedings pending against them in M.C.No.6 of 2015 on the file of the learned Judicial Magistrate, Bodinaickkanur, which was instituted at the instance of the respondent herein.

2. The case of the respondent is that she married the first petitioner in the year 1990 and they are having two female children and one male child, namely, Bharathi, Rubiya Devi and Arivazhagan. After marriage, both of them lived happily for some time. Thereafter, the respondent underwent harassment and cruelty at the hands of her husband and his family members / petitioners herein. According to the respondent, all her jewels, which were given by her parents at the time of marriage, was sold by her husband and they have constructed a house at Hosur to the tune of Rs.30,00,000/-.



But, in the said house, her husband / the first petitioner is living with the second petitioner. The respondent was driven out of the matrimonial home and she is now living separately along with her parents. Since the respondent is not having any means to run her life, she has filed M.C.No.6 of 2015.

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3. The petitioners, on the other hand, submitted that it is true that the marriage between the first petitioner and the respondent was solemnized in the year 1990. But, in view of the conduct of the respondent, the first petitioner has filed a divorce application before the Sub Court, Periyakulam, in H.M.O.P.No.13 of 2000 under Sections 13(1)(ii) & 13(1)(iii) of the Hindu Marriage Act. The said HMOP was allowed and divorce was granted on 02.03.2001. Thereafter, the first petitioner has married the second petitioner on 18.11.2001. In fact, the first petitioner is maintaining all the three children, namely, Bharathi, Rubiya Devi and Arivazhagan, who are aged about 25, 24 & 23 years, respectively. Suppressing these facts, the respondent has preferred a false complaint and therefore, they prayed for allowing the present petition.

4. Heard the learned Counsel appearing on either side and perused the documents placed on record.

5. Perusal of record shows that the marriage between the first petitioner and the respondent was solemnized in the year 1990 and a divorce application was filed in the year 2000, in H.M.O.P.No.13 of 2000. Divorce was also granted on 02.03.2001, which fact has been suppressed by the respondent while lodging the present complaint before the learned Judicial Magistrate, Bodinaickkanur. It appears that the respondent is living separately from the matrimonial home from 2001 onwards and this application has been filed in the year 2016. After the divorce, the first petitioner has married the second petitioner on 18.11.2001. All the three children, namely, Bharathi, Rubiya Devi and Arivazhagan, are living along with the first petitioner. Nearly after fifteen years from the date of grant of divorce decree, the present petition came to be filed by the respondent, that too, suppressing several details, which, in the opinion of this Court, is an abuse of the process of law.

6. In such a view of the matter, this Court is inclined to quash the proceedings in M.C.No.6 of 2015 on the file of the learned Judicial Magistrate, Bodinaickkanur and the same is accordingly, quashed. In fine, this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/- Assistant Registrar(Crl.Side)

/True Copy/



To

The Judicial Magistrate,
Bodinaickkanur.

+1 cc.to Mr.K.Guhan, Advocate in SR No.54648

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and
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gk

SP/PK/03.04.2019 : 3P/3C