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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.3416 of 2018

and

Crl.M.P.(MD)No.1604 and 1605 of 2018

Susila Rani

... Petitioner/Accused No.6

-Vs-

1. State Rep. by the
Sub-Inspector of Police,
All Women Police Station,
Nanguneri,
Tirunleveli District.

... Respondent No.1/Complainant

2. Arumai Ammal Porselvi

... Respondent No.2/Defacto
Complainant

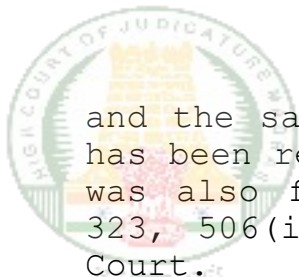
Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the charge sheet dated nil. In C.C.No.234 of 2016 on the file of the learned Judicial Magistrate Court, Nanguneri, Tirunelveli District, which was filed against the petitioner and quash the same as illegal in respect of the petitioner.

For Petitioner : Mr.V.Rajiv Rufus
For R1 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.234 of 2016 on the file of the learned Judicial Magistrate Court, Nanguneri, Tirunelveli District.

2.The learned counsel for the petitioner would submit that there are totally six accused in this case, in which, the petitioner is arrayed as sixth accused. She is the mother of the first accused and mother-in-law of the second respondent/defacto complainant. The first accused married the second respondent after obtaining 25 sovereigns of gold and other house hold articles. When the defacto complainant questioned the first accused regarding his attitude, he replied the defacto complainant that he will not change his behavior and he will continue his activities. He also stated that the first accused tortured the defacto complainant physically and mentally. Thereafter, the defacto complainant knowing that the first accused already got married with the second accused and lived together. Therefore, she lodged a complaint as against all the accused persons



and the same has been enquired by the respondent police and a case has been registered in Crime No.39 of 2015. Thereafter, final report was also filed for the offences punishable under Sections 294(b), 323, 506(ii) IPC and Section 4 of TNPWH Act before the concerned Court.

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3.The learned counsel for the petitioner further submitted that the entire allegations are only as against the first accused and there is no whisper about the petitioner/sixth accused herein. He also submitted that the first accused cheated so many persons by marrying them without disclosing the earlier marriage. He also cheated huge amount of dowry from various persons and the case has been registered in Crime No.37 of 2015. Insofar as the petitioner is concerned, she is a mother of the first accused, she is nothing to do with the offence committed by the first accused. Further more, now whereabouts of the first accused is not known and he is not living with the petitioner and not even visited her at any point of time. Therefore, she filed this petition to quash the proceedings.

4.The learned Government Advocate (Criminal Side) submitted that there are totally six accused in this case. The petitioner herein arrayed as sixth accused. On the complaint lodged by the second respondent, a case was registered in Crime No.39 of 2015 and after completion of investigation final report was filed and the same was taken cognizance in C.C.No.234 of 2016 on the file of the learned Judicial Magistrate, Nanguneri, Tirunelveli District.

5.He further submitted that the first accused cheated so many women by marrying them and also demanded huge amount by way of dowry. The defacto complainant is one of the victims. The first accused after receiving the jewels and other household articles simply left her in lurch and arranging for another marriage. Now the trial is pending from the year 2015 without any progress.

6.Insofar as the petitioner is concerned, she is the mother of the first accused and also demanded dowry from the defacto complainant and there is specific overtact as against the petitioner. Therefore, he sought for dismissal of this quash petition.

7.There are totally six accused in this case, in which, the petitioner is arrayed as A6. It is seen from the statement of the defacto complainant that all the allegations are made against the first accused. Admittedly, the first accused got married with so many women. The defacto complainant is one among them. During her marriage he received jewels and other house hold articles and even then he tortured her physically and mentally. Therefore, she is living separately. Thereafter, she came to know that the first accused have cheated so many women and got married them. Insofar as the petitioner is concerned, she is the mother of the first accused and is nothing to do with the crime as alleged by the defacto



complainant. In fact the second respondent also filed domestic violence complaint in D.V.O.P.No.4 of 2015 before the learned Judicial Magistrate, Nanguneri, Tirunelveli District and the same is also pending. The petitioner also filed a quash petition before this Court in Crl.O.P(MD)No.3417 of 2018 and the same is also allowed.

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8.Considering the facts and circumstances of the case, the continuation the trial Court as against the petitioner for the offences as alleged by the defacto complainant would not serve any purpose. Therefore, the petitioner need not go for the ordeal trial.

9.In view of the above, this Criminal Original Petition is allowed and the proceeding in C.C.No.234 of 2016 on the file of the learned Judicial Magistrate Court, Nanguneri, Tirunelveli District is quashed insofar as the petitioner is concerned. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Sub-Inspector of Police,
All Women Police Station,
Nanguneri, Tirunelveli District.
- 2.The Judicial Magistrate,
Nanguneri, Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Section Officer,
Criminal Section, (2 copies)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.V.RAJIV RUFUS, Advocate (SR-88057[F] dated 20/09/2019)

Crl.O.P. (MD)No.3416 of 2018

and

Crl.M.P. (MD)No.1604 and 1605 of 2018

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