



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.17198 of 2014

and

MP(MD)Nos.1 & 2 of 2014

1.Selvaraj

2.Subbiah

3.Ponnuthai

4.Selvi

5.Annamayil

6.Pandi

7.Ramu

... Petitioners / Accused 1 to 7

Vs.

1.State, rep.by

The Inspector of Police,

All Women Police Station, Nilakottai.

(Crime No.1 of 2014)

...1st Respondent /
Complainant

2.Shanthi

... 2nd Respondent /
Informant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records in C.C No.71 of 2014 on the file of the learned Judicial Magistrate, Nilakkottai and quash the same as illegal.

For Petitioner : Mr.A.Hariharan

For Respondents : Mr.A.Robinson,
Government Advocate (crl.side) for R1
No appearance for R2

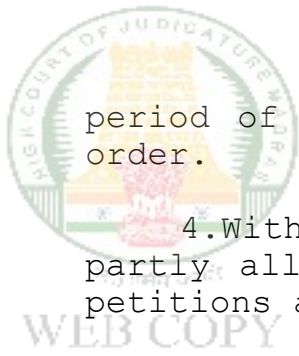


ORDER

This petition has been filed for quashing the impugned proceedings in C.C No.71 of 2014 on the file of the Judicial Magistrate, Nilakkottai. The second respondent is a defacto complainant. She is the wife of the first petitioner. Theirs was a love marriage. According to the second respondent, she got married to the first petitioner on 03.03.2010. The second respondent lodged a complaint before the first respondent/the Inspector of Police, AWPS, Nilakottai leading to registration of Crime No.1 of 2014 for the offences under Sections 498 (A), 406 and 506(i) IPC. Investigation was undertaken and after examination of all witnesses, final report was filed before the Judicial Magistrate, Nilakottai for the offences under Sections 498 (A) 406, 494 and 506(i) IPC. Cognizance of the offences was taken and the case is taken up for trial in C.C No.71 of 2014. At this stage, this criminal original petition has been filed.

2.The allegation of the defacto complainant is that the first petitioner had contracted a bigamous marriage with A8 Buvaneswari. Her further allegation is that the petitioners 1 to 7 caused cruelty to her and also demanded that she should bring additional dowry. A8 Buvaneshwari is not before this Court. The learned counsel for the petitioner stated that the first petitioner Selvaraj would face the trial and establish his innocence before the court below. In other words, this petition is not pressed as far as the first petitioner is concerned.

3.The second petitioner Subbiah is the paternal uncle of the first petitioner. The third petitioner Ponnuthai is the mother of the first petitioner. The fourth and fifth petitioners are the sisters. Pandi is the husband of Annamayil while Ramu is the husband of Selvi. The allegations against them are bereft of particulars and details. Omnibus allegations have been made against the petitioners 2 to 7 herein. The marriage between the first petitioner and the defacto complainant had taken place in the year 2010 while the FIR in the year 2014. It is obvious, suspecting that her husband had contracted a bigamous marriage, complaint has been given by the defacto complainant. Be that as it may, there is no justification in implicating the petitioners 2 to 7 herein. I am of the view that continuation of the impugned prosecution as against the petitioners 2 to 7 is a clear abuse of legal process. Accordingly, the impugned prosecution is quashed as far as the petitioners 2 to 7 are concerned. Of course, A1 Selvaraj will have to face the trial as undertaken by the learned counsel for the petitioners before this Court. This Court has not expressed anything on the merits of the matter. Since A8 has not filed any quash petition, she also will have to face the trial. The C.C is of the year 2014. Therefore, the learned Trial Judge is directed to conclude the trial on merits and in accordance with law within a



period of six months from the date of receipt of a copy of this order.

4.With this direction, this criminal original petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

Skm

To

1.The Judicial Magistrate, Nilakkottai.

2.The Inspector of Police,
All Women Police Station, Nilakottai.

Copy to:

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.HARIHARAN, Advocate (SR-87020[F] dated 17/09/2019)
Skm

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