



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE: 19.07.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

**Crl.O.P. (MD) .No.20036 of 2014
and
M.P. (MD) .Nos.1 and 2 of 2014**

Murugan

... Petitioner/Accused No.2

-Vs-

S.Balakrishnan

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the private complaint in C.C.No.173 of 2014 on the file of the Judicial Magistrate No.I, Tirunelveli and to quash the same.

For Petitioner : Mr.M.Subash Babu

For Respondent : Mr.R.Murugappan

O R D E R

This petition has been filed seeking to quash the criminal proceedings in C.C.No.173 of 2014 on the file of the learned Judicial Magistrate No.I, Tirunelveli.

2. The petitioner is accused No.2 in C.C.No.173 of 2014 and he has been charged for the offence under Section 497 of I.P.C. Now, to quash the criminal proceedings, the present criminal original petition has been filed.

3. The learned counsel for the petitioner would submit that now the Constitutional Bench of Hon'ble Supreme Court in the case of Joseph Shine and Union of India reported in 2018(3) MWN (Cr.) 161 (SC) has already struck down Section 497 of I.P.C., as unconstitutional.

4. Since Section 497 of I.P.C., has been struck down by the Hon'ble Supreme Court, the charge against the petitioner under Section 497 of I.P.C., in C.C.No.173 of 2014 on the file of the learned Judicial Magistrate No.I, Tirunelveli, alone is quashed.



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Accordingly, this criminal original petition is allowed.
Consequently, the connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.I, Tirunelveli.
2. Do through The Chief Judicial Magistrate, Tirunelveli

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-76840[F] dated 23/07/2019)

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akv

JMN (08.08.2019) 2P : 4C