



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL.O.P.(MD)No.12902 of 2015
and M.P.(MD)No.1 of 2015

1. K.Muthukrishnan
2. Kannan
3. Velammal
4. Malathi Ramani Bai
5. Mangayarkarasi
6. Maragathaselvi
7. Mangalaselvi

... Petitioners/Accused Nos.1 to 7

Vs.

1. The State rep. by,
The Inspector of Police,
All Women Police Station,
Srivaikundam,
Tuticorin District.

... Respondent/ Respondent

2. R.S.A.Amalavathy ... Respondent/Defacto complainant

PRAYER : Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to Crime No.13 of 2015 on the file of the first respondent and quash the same.

For Petitioners : M/s.A.Sivasubramanian,
for M/s.Siva Ayyappan Associates.
For R-1 : Mr.A.Robinson,
Government Advocate (Crl.Side).
For R-2 : Mr.J.Ashok

O R D E R

The petitioners herein are figuring as accused Nos.1 to 7 in Crime No.13 of 2015 on the file of the Inspector of Police, All Women police station, Srivaikundam, Tuticorin District, registered for the offences under Sections 498(A) and 506(ii) IPC.

2. The second respondent herein is the defacto complainant. To
<https://hcservices.ecourts.gov.in/hcservices/>



quash the impugned First Information Report, this criminal original petition has been filed.

3. When the matter was taken up for hearing, the petitioners' counsel pointed out that the marriage between the first petitioner and the second respondent took place on 31.10.2015 and that the relationship between the parties broke down soon thereafter. The first petitioner filed H.M.O.P.No.584 of 2014 on the file of the Family Court, Tirunelveli, seeking divorce. But then, the learned trial Judge granted only the relief of judicial separation for a period of two years. The same was put to challenge by this second respondent in C.M.A.No.213 of 2016 before this Court. Since even after two years there was no reunion, the first petitioner herein filed H.M.O.P.No.263 of 2017 before the Family Court, Tirunelveli. On account of filing of the subsequent divorce petitions, the C.M.A. filed by the second respondent herein earlier was closed as infructuous.

4. The divorce petition filed by the first petitioner came to be decreed on 12.11.2018. Even though one year has elapsed, there is nothing on record to indicate that the same has been challenged.

5. The learned counsel appearing for the petitioners took me through the contents of the impugned First Information Report to show that the jewellery gifted by the defacto complainant's father at the time of the marriage was very much under the defacto complainant. It appears that the second respondent has not made any maintenance claim against the first petitioner herein.

6. A careful reading of the impugned First Information Report indicates that the primary allegations made by the second respondent is that the petitioners herein had put pressure on the defacto complainant for making her consent to a mutual consent divorce. In as much as the marriage tie itself has snapped down in the manner known to law, I am of the view that no purpose will be served in keeping the impugned First Information Report alive.

7. In this view of the matter, the impugned First Information Report is quashed. The criminal original petition stands allowed, accordingly. Consequently, connected Miscellaneous petition is closed.

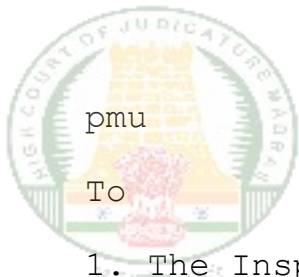
Sd/-

Assistant Registrar

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/ /2020

Sub Assistant Registrar(CS)



1. The Inspector of Police,
All Women Police Station,
Srivaikundam,
Tuticorin District.

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

+1 CC to M/s.SIVA.AYYAPPAN, Advocate (SR-96191[F] dated
05/11/2019)

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