



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.13240 of 2015

and

M.P. (MD)No.1 of 2015

WEB COPY

- 1.Jeyalakshmi
- 2.Indumathi
- 3.T.Kannan
- 4.S.Gopal

... Petitioners/Accused Nos.2 to 5

Vs

- 1.The Inspector of Police,
All Women Police Station,
Vallam,
Thanjavur District,
in Crime No.9 of 2014.

...Respondent/Complainant

- 2.P.Nilavu

... Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in C.C.No.69 of 2015 on the file of the learned Judicial Magistrate No.II, Thanjavur, and to quash the same.

For Petitioners	: Mr.Antony S.Prabhakar
For R1	: Mr.A.Robinson
	Government Advocate (Crl.side)
For R2	: Mr.M.P.Senthil

ORDER

This criminal original petition has been filed for quashing the proceedings in C.C.No.69 of 2015 on the file of the Judicial Magistrate No.2, Thanjavur.

2. The second respondent P.Nilavu is the defacto complainant. She got married to Nithyanandam on 12.03.2009. Their relationship came under strain. She therefore lodged a criminal case against her husband and in-laws and the same was registered as Crime No.9 of 2014 on the file of the All Women Police Station, Vallam. Investigation was taken up and final report was filed. Cognizance of the offences under Sections 294 (b), 323, 506(i), 498(A) @ 294(b), 352, 506(i) and 498(A) of IPC was taken in C.C.No.69 of 2015. To quash the proceedings, A2 to A5 have come before this Court.

3. Heard the learned counsel on either side.



4. The learned counsel appearing for the second respondent firmly submitted that the issue has since been amicably settled. It appears that the second respondent applied to the Jurisdictional Magistrate for dissolving her marriage with the son of the first petitioner namely Al-Nithyanandam. After she withdrew the cruelty ground, Al-Nithyanandam had agreed for mutual consent divorce.

5. Since the second respondent has no objection for quashing the impugned proceedings, I am of the view that the continuation of the impugned proceedings will amount to an abuse of legal process. In this view of the matter, the impugned proceedings stand quashed. Hence, this criminal original petition stands allowed. Even though the first accused is not before this Court, the benefit of quashing the impugned proceedings will enure in his favour also. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar ()

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Sub Assistant Registrar (CS)

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To

1.The Judicial Magistrate No.II, Thanjavur.

2.The Inspector of Police,
All Women Police Station,
Vallam,
Thanjavur District.

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

+1 CC to Mr.M.P.SENTHIL, Advocate (SR-96624[F] dated 07/11/2019)

+1 CC to Mr.ANTONY.S.PRABAHAR, Advocate (SR-96592[F] dated
07/11/2019)

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