



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2019

WEB COPY

PRESENT

THE HON`BLE **MR.JUSTICE G.R.SWAMINATHAN**

Crl.O.P(MD).No.13425 of 2015

and

M.P(MD).Nos.1 and 2 of 2015

1.Praveen Kumar
2.Vellusamy
3.Malliga

... Petitioners/Accused Nos.1 to 3
Vs

1.The State through
The Inspector of Police,
All Women Police Station,
Aundipatty, Theni District. ...Respondent No.1 /Dejure Complainant

2.Padmavathi ... Respondent No.2/Defacto Complainant

PRAYER : Petition is filed under Section 482 of Cr.P.C to call for the records connected with the case in C.C.No.165 of 2014 on the file of the learned Judicial Magistrate, Aundipatti and quash the same as illegal.

For Petitioner	: Mr.R.Alagumani
For Respondents	: Mr.A.Robinson
	Government Advocate (Crl.side)
	(for R1)
	Mr.K.Neelamegam
	for Mr.M.Karuppasamy Pandian
	(for R2)

ORDER

The petitioners herein are facing trial in C.C.No.165 of 2014 on the file of the learned Judicial Magistrate, Aundipatti for the offences under Sections 498(A) and 506(i) IPC r/w Section 4 of Dowry Prohibition Act. The first petitioner is the husband and the second respondent herein is the wife. They got married on 23.12.2010. Their relationship appears to have come under strain. Then, the second respondent herein filed a complaint before the All Women Police Station, Aundipatty and the same was registered as Crime No.5



of 2014. It was investigated and final report was filed. Cognizance of the offence was taken. The case was taken up on file in C.C.No.165 of 2015. To quash the same, this criminal original petition has been filed.

2. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (criminal side) appearing for the first respondent and the learned counsel appearing for the de-facto complainant.

3. The learned counsel for the petitioners clearly stated that the first petitioner is ready for dissolving the marriage by mutual consent.

4. It appears that the second respondent had earlier filed a HMOP for divorce and the same was dismissed for default. The first petitioner and the second respondent herein now agree to apply for a mutual consent divorce under Section 13B of the Hindu Marriage Act, 1955. Since the parties have agreed to dissolve their marriage by mutual consent and there are no other outstanding demands, I am of the view that continuance of the prosecution will not serve any purpose.

5. In this view of the matter, the impugned proceedings stand quashed and the Criminal Original Petition stands allowed. If the first petitioner goes back on the assurance given before this Court, it will be open to the second respondent herein to file a Miscellaneous Petition before this Court for revival of the impugned criminal proceedings. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

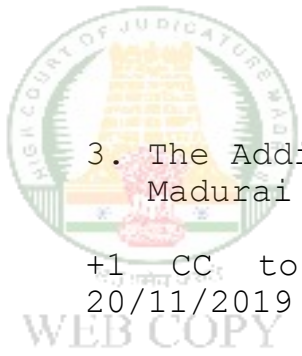
Assistant Registrar (writs)

// True Copy //

Sub Assistant Registrar (CS)

rmk
To

1. The Judicial Magistrate, Aundipatti
2. The Inspector of Police,
All Women Police Station,
Aundipatty, Theni District.



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

+1 CC to Mr.DR. R. ALAGUMANI, Advocate (SR-99878[F] dated
20/11/2019)

ORDER IN

Cr1.O.P(MD).No.13425 of 2015
Date : 18/11/2019

VB(17.12.2019) 3P 5C