



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD) No.6347 of 2015

and

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

1.V.N.Ramaraj

2.Leelavathi

3.Angals

4.Ramani

5.Ramachandran

6.Padrinarayanan

(sixth petitioner impleaded as per order
dated 15.11.2019 passed in

Crl.M.P (MD) No.9615 of 2019)

... Petitioners/A2 to A6

Vs

1.State rep.

by Inspector of Police,
All Women Police, Theni,
Theni District,
(Cr.No.8 of 2015)

.. 1st Respondent/Complainant

2.G.Padmapriya

...2nd Respondents/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in C.C.No.52 of 2015 on the file of the learned Judicial Magistrate, Theni and quash the same as illegal.

For Petitioners

: Mr.A.K.Manickam

For R1

: Mr.A.Robinson

Government Advocate (Crl.side)

For R2

: Mr.P.R.Prithiviraj

ORDER

The petitioners 1 to 5 are the in-laws of the defacto complainant. Sixth petitioner is the husband of the defacto complainant. The marriage between the sixth petitioner and the defacto complainant took place on 24.10.2004. A child was also born. The relationship between the parties came under strain. The second respondent lodged a complaint against the petitioners herein before the All Women Police Station, Theni and the same was registered as Crime No.8 of 2015. The matter was



investigated and the final report was filed. Cognizance of the offences under Sections 294(b), 498A and 506(i) of IPC was taken. The case itself was taken up for trial in C.C.No.52 of 2015. To quash the same, this criminal original petition has been filed.

2. Heard the learned counsel on either side.

3. It is not in dispute that there are prima facie allegations against the sixth petitioner herein. Therefore, the sixth petitioner will have to necessarily face the trial and establish his innocence before the trial Court. But then, the case of the other petitioners 1 to 5 stands on a different footing. The second respondent herein filed a petition for dissolving her marriage with the sixth petitioner herein and the same was allowed. It is also stated that the second respondent herein had got remarried also.

4. In these circumstances, the continuation of the prosecution against the petitioners 1 to 5 would not serve any purpose. Therefore, the impugned proceedings stand quashed as far as the petitioners 1 to 5 are concerned. It will continue against the sixth petitioner herein. This criminal original petition is partly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rmi

To

1. The Inspector of Police,
All Women Police, Theni,
Theni District.

2. The Judicial Magistrate, Theni.

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

+1 CC to Mr.A.K. MANICKAM, Advocate (SR-97990[F] dated 13/11/2019)

Cr1.O.P (MD) No.6347 of 2015
and

M.P. (MD) Nos.1 and 2 of 2015
15.11.2019