



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.10299 of 2018

and

Crl.M.P(MD)Nos.4592 and 4593 of 2018

1.Murugan
2.K.Madathi
3.Raja Gobal
4.Velladurai
5.Thoon @ Velusamy ... Petitioners/Accused Nos.1, 2 & 4 to 6

Vs.

Maragathamani ...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records pertaining to the C.C.No.221 of 2013, dated 27.07.2013 on the file of the learned Judicial Magistrate Court, Tenkasi, Tirunelveli District and quash the same as illegal.

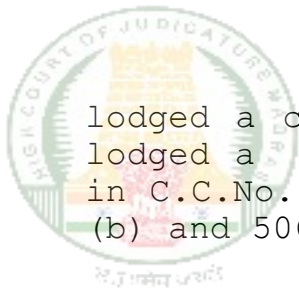
For Petitioners : Mr.V.Rajiv Rufus
For Respondent : No Appearance

O R D E R

This petition has been filed to quash the proceedings in C.C.No.221 of 2013, dated 27.07.2013 on the file of the learned Judicial Magistrate Court, Tenkasi, Tirunelveli District as against the petitioners.

2.The learned counsel for the petitioner would submit that the petitioners are arrayed as respondent Nos.1, 2 & 4 to 6 in the Domestic Violence complaint filed by the respondent.

3.The crux of the complaint is that the first accused got married the second respondent on 24.05.2010 at Shankarankovil Shankara Narayanaswamy Temple. Though at the time of marriage Sridhana and along with jewels were presented by the family members of the second respondent, the first and second accused demanded more dowry from the second respondent. Therefore, the respondent



lodged a complaint and subsequently, it was closed. Therefore, she lodged a private complaint and the same has been taken cognizance in C.C.No. 221 of 2013 for the offence under Sections 147, 341, 294 (b) and 506(ii) of IPC.

4.Though notice served to the respondent, none appeared on behalf of the respondent in person or through his counsel.

5.Heard Mr.V.Rajiv Rufus, learned counsel appearing for the petitioners.

6.The present complaint is also nothing but clear abuse of process of law. On the strength of the marriage between the first petitioner and the respondent on 24.05.2010, the respondent lodged so many complaints along with present private complaint with so many allegations. In view of the order passed in both Crl.O.P(MD) Nos.10298 and 10300 of 2018, thereby, quashing the Domestic Violence Act in D.V.O.P.No.5 of 2018 as well as the C.C.No.478 of 2017, the present complaint is also vitiated as against the petitioners. Therefore, the private complaint cannot be sustained and it is liable to be quashed.

7.Accordingly, this Criminal Original Petition stands allowed and the proceedings in C.C.No.221 of 2013 on the file of the learned Judicial Magistrate, Tenkasi, Tirunelveli District, is hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)

To

The Judicial Magistrate,
Tenkasi, Tirunelveli District.

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and

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vsd

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