

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.22049 of 2013

and

M.P No.1 of 2013

1.Kamaraj

2.Mangaiyarakarasi

... Petitioners/Accused 6 & 7

Vs.

Valarmathi

... Respondent/Complainant

Prayer:

Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.203 of 2013 on the file of the Judicial Magistrate Court, Ariyalur, Ariyalur District and quash the same.

For Petitioners : Mr.T.Arunkumar

For Respondent : Mr.M.N.Balakrishnan

O R D E R

This Criminal Original Petition has been filed to call for the records in C.C.203 of 2013 on the file of the Learned Judicial Magistrate, Ariyalur, Ariyalur District and quash the same.

2. The petitioners who are arrayed as A6 and A7 filed the present criminal original petition challenging the private complaint filed against the petitioners and other accused persons before the Judicial Magistrate, Ariyalur under Sections, 147, 494 and 109 of IPC.

3. The case of the private complainant is that the complainant had married one Arulselvan who has been arrayed as A1 in C.C No.203 of 2013, in the year 2003. The marriage was a love cum arranged marriage as the parties belonged to the same caste. Later, they blessed with a female child namely, Keerthiga who is presently 8 years old. Whiles, the complainant's husband had left to the Gulf country for his employment and the complainant also left the matrimonial home due to the harassment of the parents of Arulselvan (A1), who has

been also arrayed as Accused No.2 and 3 in C.C No.203 of 2013 and there was lot of misunderstanding between the couple and they were separated for a long and the elders of the parties taken efforts to re-conciliate the matter between the parties. However, no fruitful solution was arrived and lived separately. Whiles, it was reported that Arulselvan (A1) had illegally married one Devi from Kattumanarkudi Village on 21.10.2012 and other co-accused has been arraigned as A8 to A10. That issue was not relevant to the present case as the allegation against the petitioners is that they had also participated in the said marriage. Mere participation the petitioners were implicated in a criminal case. Challenging the same, the present Criminal Original Petition is filed before this Court.

4. Mr.Balakrishnan, the learned counsel appearing for the respondent would submit that without going into the merits of the case, the respondent has no objection for quashing the complaint and this Court may allow this petition in respect of the petitioners alone.

5. In view of the considered view expressed by the complainant, and on a perusal of the complaint, the only allegation against the petitioners is that they had participated in the marriage which is said to have conducted on 21.10.2012. Except this allegation, no other allegation is made against the petitioners. This Court satisfies mere participation will not amount an offence as committed by the other accused. Accordingly, I have no hesitation to allow this petition.

6. In the result, this Criminal Original Petition is allowed and the complaint in C.C No.203 of 2013 on the file of the Learned Judicial Magistrate, Ariyalur, Ariyalur District, is hereby quashed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate, Ariyalur, Ariyalur District.

+1cc to Mr.M.N.Balakrishnan, Advocate Sr.No.3601

AKM/03.03.2020 /2P-3C/

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