

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.24928 of 2013 &
M.P.No.1 of 2013

1. Arulselvan
2. Dharmalingam
3. Alamelu
4. Thamizharasi

... Petitioners

Vs.

Valarmathi

.... Respondent

Petition filed under Section 482 of Cr.P.C. to call for the records in C.C.No.203 of 2013 pending on the file of the learned Judicial Magistrate Court, Ariyalur and quash the same.

For Petitioners: Mr.Thomas T. Jacob

For Respondent : Mr.T.R.Ravi

O R D E R

This criminal original petition has been filed to call for the records in C.C.No.203 of 2013 pending on the file of the learned Judicial Magistrate Court, Ariyalur and quash the same.

2. The first petitioner is the husband of the defacto complainant and other accused are her in-laws. The marriage of the first petitioner and the defacto complainant was solemnized in the year 2003. Thereafter, there was matrimonial dispute in between them. Subsequently, the first petitioner illegally married one Devi from Kattumanarkudi village on 21.10.2012. In view of the same and harassment by the petitioners, the respondent/complainant filed a complaint before the police and based on the said complaint, the Law Enforcing Agency has registered a case in Crime No.16 of 2012. The Law Enforcing Agency, after investigation filed the charge sheet in the year 2013 and case has been taken on file in C.C.No.89 of 2013 for offences under sections 294(b), 498(A), 494, 506(i) and 109 IPC against the petitioners. During pendency of the case, the respondent once again filed a private complaint under section 200 Cr.P.C. for the offences under sections 147, 494 and 109 of

IPC before the jurisdictional Magistrate and the said case was taken on file in C.C.No.203 of 2013 by the Judicial Magistrate, Ariyalur. Challenging the subsequent private complaint, the present petition has been filed.

3. The learned counsel appearing for the petitioners submitted that the offences mentioned in the police complaint and the private complaint are one and the same and the case in respect of the police complaint has ended in acquittal and the accused were acquitted from all the charges levelled against them. Hence, the private complaint preferred by the defacto complaint before the Judicial Magistrate in C.C.No.203 of 2013 cannot be maintainable for the very same allegations.

4. The learned Additional Public Prosecutor also fairly conceded that the allegations in the police complaint and the private complaint are one and the same and that the case with respect of the police complaint in C.C.No.89 of 2013 has ended in acquittal.

5. The defacto complainant has originally lodged a complaint against the petitioners before law enforcing agency and the in said case, charge sheet has been filed and the case has been taken on file in C.C.No.89 of 2013 on the file Judicial Magistrate Court, Ariyalur for the offences under sections 294 (b), 498-A, 494, 506(i) and 109 of IPC. After trial, the case in C.C.89 of 2013 has ended in acquittal. Subsequent to the above complaint, the defacto complainant had filed another private complaint before the Judicial Magistrate, Ariyalur with the very same allegations for the offences under sections 147, 494 and 109 of IPC. When the defacto complainant has initiated criminal action against the petitioners and the said case has ended in acquittal, the defacto complaint cannot maintain a private complaint with the very same allegations against the same accused persons.

6. In view of the same, this Criminal Original Petition is allowed and the case in C.C.No.203 of 2013 is quashed. This decision is also applicable to the co-accused persons in C.C.No.203 of 2013. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

To

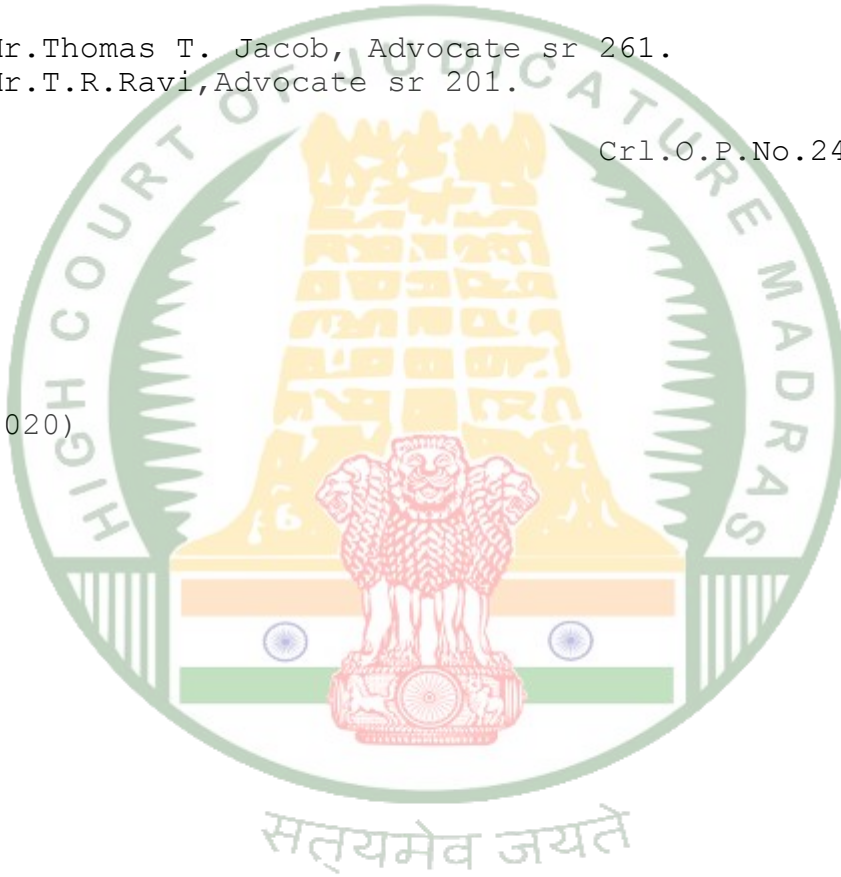
1. The Judicial Magistrate,
Ariyalur.
2. The Public Prosecutor,
High Court, Madras.
3. The Chief Judicial Magistrate
Ariyalur

+1 CC to Mr.Thomas T. Jacob, Advocate sr 261.

+1 CC to Mr.T.R.Ravi, Advocate sr 201.

Crl.O.P.No.24928 of 2013

PP (CO)
SP (24/02/2020)



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