

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.01.2020
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.6731 of 2013
And
M.P.Nos.1 and 2 of 2013

Murugan Muthukumar

... Petitioner

Vs.

1.State: Inspector of Police
All Women Police Station Central
Coimbatore City,
Coimbatore District.
Crime No.25/2009.

2.Velkani

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records in C.C.No.429 of 2010 on the file of the learned Judicial Magistrate Court No.III, Coimbatore and quash the same.

For Petitioner : Mr.T.I.Ramanathan

For Respondents : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The petitioner has filed this petition seeking to call for the records in C.C.No.429 of 2010 on the file of the Judicial Magistrate Court No.III, Coimbatore and to quash the same.

2.The case of the petitioner is that the petitioner is the husband of the second respondent/ defacto complainant. The marriage between the petitioner and the second respondent was solemnized on 11.11.2002 at Hotel Sakunthala, Kokkirakulam, Tirunelveli, as per the Hindu Rites and Customs. At the time of marriage, the parents of the second respondent gifted 25 sovereigns of gold jewels, Rs.40,000/- cash and Rs.30,000/- worth vessels, cot, almirah and other articles.

3.It is the further case of the petitioner that the defacto complainant preferred a complaint, alleging that the petitioner demanded a further sum of Rs.50,000/- and other articles, before the Judicial Magistrate Court, Shenkottai and the same was forwarded to the All Women Police Station, Tenkasi and was registered as Crime No.1 of 2004. Thereafter, it was transferred to the respondent police and was registered as Crime No.25 of 2009 dated 09.11.2009. The respondent police laid charge sheet before the learned Judicial Magistrate Court No.III, Coimbatore and the same was taken on file in C.C.No.429 of 2010. Challenging the said Calender Case, the present criminal original petition has been filed.

4.The learned counsel appearing for the petitioner would submit that during the pendency of this petition, both the petitioner and the defacto complainant compromised between themselves and they got separated and subsequently both of them married different persons and they are living happily and hence, this Court may quash the proceedings in C.C.No.429 of 2010.

5.The learned Additional Public Prosecutor would submit that the second respondent has sent a letter dated 10.09.2019 to the first respondent stating that the second respondent and the petitioner got separated and subsequently both of them married different persons and they are living happily and hence, the second respondent do not want to pursue the case and also produced the said letter before this Court.

6.Considering the letter of the second respondent dated 10.09.2019 and the subsequent development during the pendency of this petition that both the second respondent and the petitioner got separated and subsequently both of them married different persons and they are living happily, this Court is of the opinion that forcing the petitioner to face the trial is unsustainable.

7.Hence, this criminal original petition is allowed and the entire proceedings in C.C.No.429 of 2010 on the file of the Judicial Magistrate Court No.III, Coimbatore, is hereby quashed. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Judicial Magistrate Court No.III,
Coimbatore.

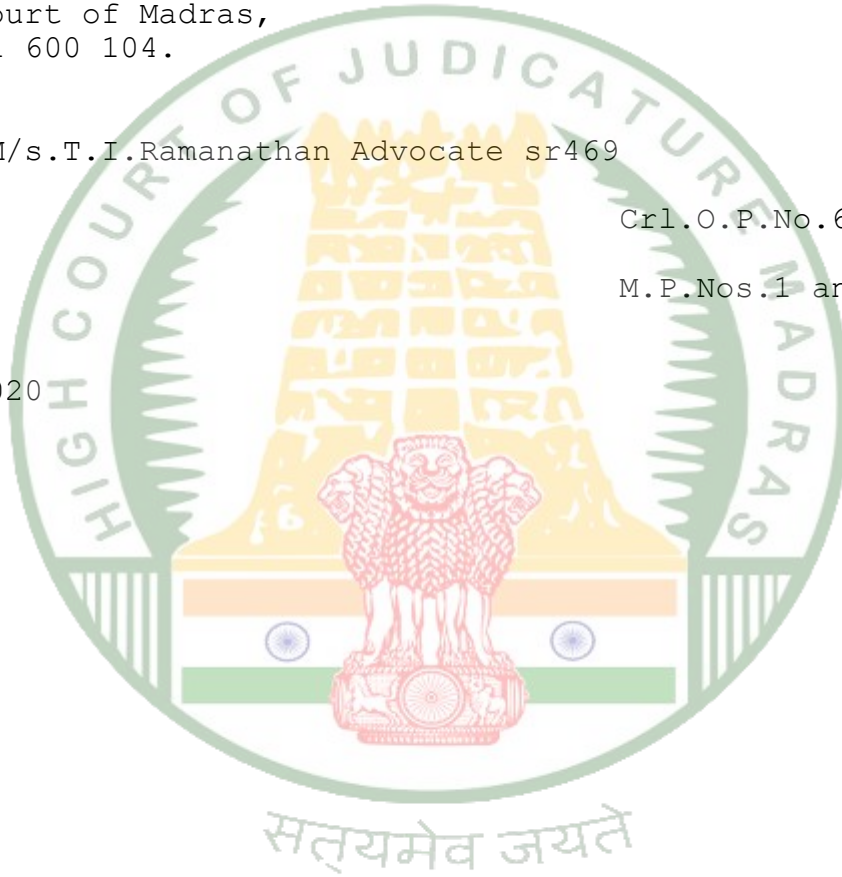
2.The Inspector of Police,
All Women Police Station Central
Coimbatore City,
Coimbatore District.
Crime No.25/2009.

3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1 cc to M/s.T.I.Ramanathan Advocate sr469

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