

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.11769 of 2018  
and  
CrI.M.P No.6179 of 2018

Kolangi ... Petitioner  
Vs.  
Valarmathi ... Respondent

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 Petitioner : Mr.Thomas T.Jacob  
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 is arrayed as A4 filed the present criminal original petition challenging the private complaint filed against the petitioner 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

in C.C No.203 of 2013. That issue was not relevant to the present case as the allegation against the petitioner is that he had also participated in the said marriage. Mere participation the petitioner was 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 petitioner alone.

5. In view of the considered view expressed by the learned counsel for the complainant, and on a perusal of the complaint, the only allegation against the petitioner is that he 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 petitioner. This Court satisfies mere participation will not amount to 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 (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate,  
Ariyalur, Ariyalur District.

2.do Thro The Chief Judicial Magistrate,  
Ariyalur.

Crl.O.P.No.11769 of 2018  
and Crl.M.P No.6179 of 2018

KK(CO)  
GN(26/02/2020)