



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Criminal Jurisdiction)

Date : 11/03/2020

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD) . No.2283 of 2020
in
CRL OP(MD) . No.18606 of 2019

P.SOBHANA PRASANYA

... PETITIONER/DEFACTO COMPLAINANT/
DEFACTO COMPLAINANT

VS

1.STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THENI,
CRIME NO.29/2019.

... RESPONDENT/RESPONDENT/RESPONDENT

2. MITHUN VARMA
3. P.MUTHIAH
4. M.ANNATHTHAI
5. NIRAIISHA

... RESPONDENT/PETITIONER/PETITIONER

For Petitioner : M/s.H.Velavadhas,
Advocate.

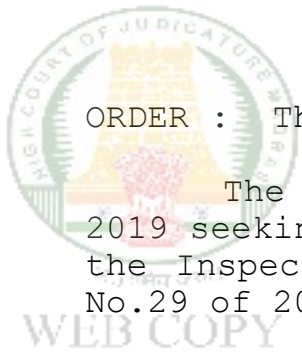
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side) for R1

: Mr.R.R.Thamothar raj, Advocate for R2to R5

PETITION FOR CANCELLATION OF ANTICIPATORY BAIL Under Sec.438(2) and
482 of Cr.P.C

PRAYER :-

To cancellation of anticipatory bail granted to the respondents
2 to 5 granted by this Honourable Court in Crl.O.P.(MD) NO.18606 of
2019 dated 11/12/2019 and in Crl.M.P.No.148 of 2020 dated 10/01/2020
within the period stipulated by this Honourable Court



ORDER : The Court Made the following order :-

The respondents 2 to 5 herein filed Crl.O.P.(MD)No.18606 of 2019 seeking anticipatory as they apprehended arrest at the hands of the Inspector of Police, All Women Police Station, Theni in Crime No.29 of 2019.

2.This Court had granted relief based on the undertaking of the second respondent herein that he would deposit a sum of Rs.5,000/- as monthly maintenance. The accused thereafter filed Crl.M.P.(MD) No.148 of 2020 seeking extension of time to surrender. That was also allowed. The order granted by this Court is sought to be cancelled at the instance of the defacto complainant.

3.The defacto complainant informs this Court that the first accused Mithun Varma after originally agreeing to give mutual consent divorce, has now gone back on his assurances.

4.I do not want to go into the contentious aspects. It is suffice to record that the Mr.R.R.Thamothar raj, learned counsel for Mithun Varma and others states that Mithun Varma is ready for dissolving the marriage through mutual consent. In other words, the dissolution of the marriage will be based on the consent to be given by both the parties and without there being any allegations.

5.The counsel on either side report that the petitioner herein namely Sobhana Prasanya and the second respondent herein namely Mithun Varma will appear before the Family Court, Theni and jointly file petition under Section 13(b) of the Hindu Marriage Act, 1956.

6.It is stated that while the petitioner herein had filed H.M.O.P.No.98 of 2020(renumbered) for divorce, the second respondent Mithun Varma filed H.M.O.P.No.233 of 2020 for restitution of conjugal rights. Both the parties will withdraw their respective H.M.O.P., petitions. They will also file a petition for dispense with the six months cooling off period.

7.The learned Judge, Family Court, Theni, is directed to allow the said Interlocutory application for waiving the cooling off period and take up the main H.M.O.P., and allow the same within a period of one week thereafter. This direction though appears to be little extraordinary, is passed after hearing both the counsel at length. Inorder to avoid possible embarassment to both parties, I am consciously refraining from elaborating those aspects. After the marriage between the first petitioner and the second respondent is dissolved by mutual consent, the Inspector of Police, All Women Police Station, Theni, will file a final report dropping further action in the matter.

8.In view of the consent given by the petitioner on one hand and the second respondent on the other, the first respondent is also



restrained from arresting the accused. If the second respondent herein goes back on the undertaking now given before this Court, the order now passed will stand automatically recalled and the protection of anticipatory bail given to the accused will also stand recalled.

9. This Criminal Miscellaneous Petition is disposed of on these terms.

sd/-
11/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
THENI.
2. THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THENI.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.H.VELAVADHAS, Advocate SR.No.5130 & 10976

ORDER
IN
CRL MP(MD) No.2283 of 2020
IN
CRL OP(MD) No.18606 of 2019
Date :11/03/2020

PNN
JM/VR/SAR 4/18.03.2020/3P/7C