



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P(MD)No.15064 of 2020 and

Crl.MP(MD) Nos.7219 & 7220 of 2020

WEB COPY

K.Manjunath

Petitioner/ Sole Accused

Vs

1.State through

The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
Crime No.19 of 2019.

Respondent No.1/
Complainant

2.V.Vanitha

Respondent No.2/Defacto
Complainant

PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, to call for the records in CC No.60 of 2020, on the file of the Judicial Magistrate Court, Thirumangalam and quash the same as illegal.

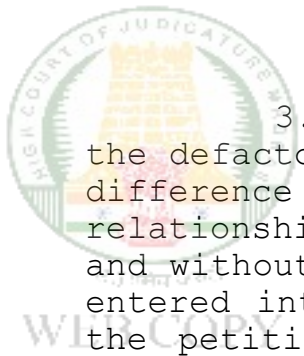
For Petitioner: Mr.K.Vinayagam

For R1 : Ms.S.E.Veronica Vincent.
Government Advocate (Crl.side)

O R D E R

This Criminal Original Petition has been filed to quash the case in CC No.60 of 2020, on the file of the Judicial Magistrate Court, Thirumangalam.

2.The learned counsel appearing for the petitioner would submit that based on the complaint given by the defacto complainant against the petitioner, alleging that the petitioner is the native of Karnataka and he married the defacto complainant on 05.04.2013 and thereafter he proposed to marry another lady on 10.11.2019 at Karnataka, for which he received a ransom of lakhs of rupees from the bride's parents, thereby he has to return the same to them so that the petitioner demanded the amount from the defacto complainant to settle the same, failing which, he would not come to Madurai to continue their matrimonial life and he made threat with dire consequences to the defacto complainant, a case in Crime No.19 of 2019 has been registered for the offences under Sections 498 A, 294 (b), 406 and 506(i) IPC.



3. The learned counsel for the petitioner would submit that the defacto complainant married on K.Ramesh on 03.07.2011 and due to difference of opinion, they agreed to break up the matrimonial relationship and entered a mutual consent agreement on 20.08.2012 and without nullifying the earlier marriage, the defacto complainant entered into the 2nd marriage with the petitioner. The grievance of the petitioner is that without ascertaining the above facts, the respondent police completed the investigation and filed a Final Report and the case was also taken cognizance in CC No.60 of 2020 and the learned counsel would pray that the proceedings in the above case is liable to be quashed.

4.The learned Government Advocate would state that the offences are under sections 498 A, 294(b), 406 and 506(i) IPC and therefore would vehemently object for quashing the case in CC No.60 of 2020.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the first respondent and perused the materials available on record. Since no adverse order is going to be passed, notice to the 2nd respondent is dispensed with.

6.The Hon'ble Supreme Court by judgment dated 02.12.2019 in **Crl.A.No.1817 of 2019 in the case of M.Jayanthi vs. K.R.Meenakshi and another** has held as follows:-

'9.It is too late in the day to seek reference to any authority for the proposition that while invoking the power under Section 482 Cr.P.C for quashing a complaint or a charge, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. The Court may also be entitled to see (i) whether the preconditions requisite for taking cognizance have been complied with or not; and (ii) whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged.'

7.Here in the present case, the complainant had made specific allegations in the complaint filed against the petitioner and therefore, the grounds raised in this petition can be gone into only in a full-fledged trial. Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings in CC No.60 of 2020, on the file of the Judicial Magistrate Court, Thirumangalam. However, the learned Magistrate, Thirumangalam is directed to dispose of the case CC No.60 of 2020, within a period of four months from the date of receipt of a copy of this order.



8. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To: -

1.The Judicial Magistrate Court, Thirumangalam

2.The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
Crime No.19 of 2019.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P(MD)No.15064 of 2020 and
Crl.MP(MD) Nos.7219 & 7220 of 2020

17.12.2020

PU (CO)

NR (02/02/2021) 3P : 5C

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