



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)Nos.9245 and 9370 of 2018

and

Crl.M.P. (MD)No.4097 of 2018

1.Saravanan
2.Murugesan
3.Manivasagam
4.Ganesan
5.Meenakshi
6.Mahalakshmi

... Petitioners in both Crl.O.Ps.

-vs-

1.The Sub Inspector of Police,
All Women Police Station,
Thirumayam,
Pudukkottai District.

2.K.R.Anbu Meena ... Respondent in Crl.O.P. (MD)No.9245 of 2018

Sathya @ Anbu Meenal ... Respondent in Crl.O.P. (MD)No.9370 of 2018

PRAYER in Crl.O.P. (MD)No.9245 of 2018: Petition filed under Section 482 of the Criminal Procedure Code to call for the records relating to the second respondent's private complaint in C.C.No.50 of 2017 on the file of the learned District Munsif cum Judicial Magistrate, Thirumayam, and quash the same as illegal.

PRAYER in Crl.O.P. (MD)No.9370 of 2018: Petition filed under Section 482 of the Criminal Procedure Code to call for the records relating to the D.V.O.P.No.3 of 2018 on the file of the learned District Munsif cum Judicial Magistrate, Thirumayam and quash the same as illegal.



For Petitioner : Mr.R.R.Kannan
For R1 : Mr.A.Robinson
Government Advocate (Cr1.side)
For R2 : Mr.G.Mathavan

(in both Cr1.O.P.s)

ORDER

These Criminal Original Petitions have been filed for quashing the proceedings in C.C.No.50 of 2017 on the file of the learned District Munsif cum Judicial Magistrate, Thirumayam and D.V.O.P.No.3 of 2018 on the file of the very same Court. The complainant in both the cases is one Sathya @ Anbu Meenal. The marriage between the first petitioner Saravanan and Sathya @ Anbu Meenal took place on 11.02.2015. Their relationship came under strain and she is said to have left the matrimonial home on 24.07.2016.

2.On the earlier occasion, the counsel on either side submitted that both the proceedings can be quashed, since the parties have arrived at an amicable understanding. Therefore, I called upon the first petitioner Saravanan as well as the second respondent Sathya @ Anbu Meenal to be present in person before me.

3.Today (04.03.2020), both are present before this Court. They were duly identified by the respective counsel. Both of them state that they filed a petition for mutual consent divorce before the Principal Sub Court, Pudukkottai in H.M.O.P.No.1 of 2020. It is now posted for further hearing on 03.04.2020. The wife had given a list of articles to be returned and the same was also cross checked and confirmed and the first petitioner Saravanan agrees to return the same. The wife informs that she has no claim regarding maintenance or permanent alimony. No child has been born through the wedlock. It is also seen that the parties have been residing separately for more than 3 ½ years. Therefore, the insistence on the cooling period of six months is an empty formality.

4.Therefore, the learned Principal Sub Judge, Pudukottai, is directed to advance the hearing from 03.04.2020 to 09.03.2020. Both the parties affirm before me that they have decided to dissolve the marriage by mutual consent. Therefore, the learned Principal Sub Judge, Pudukottai, is directed to advance the hearing date to 09.03.2020 and enquire both the parties and



dissolve the marriage by mutual consent.

5.Since the parties have decided to go their ways, the complainant is also not having any objection for quashing the impugned proceedings. Both the proceedings in C.C.No.50 of 2017 on the file of the learned District Munsif cum Judicial Magistrate, Thirumayam, and D.V.O.P.No.3 of 2018 on the file of the learned District Munsif cum Judicial Magistrate, Thirumayam, stand quashed and these Criminal Original Petitions stand allowed.

6.The first petitioner undertakes to return the list mentioned articles by today(04.03.2020) itself. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar(CS)

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To

- 1.The Principal Sub Judge, Pudukkottai.
- 2.The District Munsif cum Judicial Magistrate, Thirumayam.
- 3.The Sub Inspector of Police,
All Women Police Station,
Thirumayam, Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+2CC TO MR.RR.KANNAN, Advocate Sr. No. 10096 & 10097

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