



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2020

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.(MD)No.16475 of 2016

and

CrI.M.P.(MD)No.8074 of 2016

Rathna, D/o.Thangamani

.. Petitioner

Vs.

N.Jeyarani

.. Respondent

Prayer:- Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case in C.C.No.83 of 2016, on the file of the Additional Judicial Magistrate, Mahila Court, Madurai, and quash the same against this petitioner.

For Petitioner : Mr.R.Narayanan

For Respondent : Mr.I.Robert Chandrakumar
for Mr.G.Prabhu Rajadurai

ORDER

This petition has been filed seeking to quash C.C.No.83 of 2012 on the file of the learned Additional Judicial Magistrate, Mahila Court, Madurai, against this petitioner, for the offence under Sections 120(b), 496, 497 and 498 I.P.C.

2.The specific case of the respondent/de-facto complainant is that the first accused, who is the husband of the de-facto complainant has developed illicit intimacy with this petitioner, who is arrayed as second accused and married her while the first marriage is in subsistence. It is also further alleged in the complaint that a child has been born in this extra marital affair. Hence, a case for bigamy and other allied offences is now been registered against the accused persons.

3.The petitioner herein, who is the second accused, has filed this petition seeking to quash the criminal prosecution on the ground that the case has been filed with *mala fide* intention to defame the reputation of the petitioner and her values and she is an innocent person and been prosecuted without any material evidence. It is also contended by the petitioner that there is a statutory bar to prosecute her.



4.On perusing the records, this Court finds that there is no merit in this Petition. There is specific allegation against this petitioner that she has begotten a child through the first accused, who is the legally wedded husband of the respondent/de-facto complainant. This fact can be proved or disproved only in the course of trial. The abettor of a crime cannot seek any protection under law and there is no statutory bar to prosecute the abettor. It is a case, where the offence of conspiracy is also one of the charges against this petitioner and others. In the said circumstances, this Court finds no merit in this Criminal Original Petition. Hence, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

5.At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner being a lady, her personal appearance may be dispensed with unless and until her appearance before the Court is essential and warranted.

6.Taking into consideration of the said request, the petitioner is given liberty to file a petition under Section 205 Cr.P.C. and the learned Magistrate may entertain the said application and pass appropriate orders.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Additional Judicial Magistrate,
Mahila Court, Madurai.

+1 CC to Mr.G.PRABHU RAJADURAI, Advocate (SR-10583[F] dated 09/03/2020)

+1 CC to Mr.R.NARAYANAN, Advocate (SR-10947[F] dated 10/03/2020)

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