



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2020

CORAM

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

Crl.O.P. (MD)No.7520 of 2016 and

CRL.M.P. (MD)Nos.3801 & 3802 of 2016

WEB COPY

S.Julie Christilda ... Petitioner/Accused No.6  
Vs.

1. The State rep. by,  
The Inspector of Police,  
All Women police station,  
Srirangam, Trichy District.  
(Crime No.15 of 2015) ... Respondent/Complainant

2. Pensirani ... Respondent/Defacto Complainant

**Prayer:** Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records relating to C.C.No.8 of 2016 pending on the file of the learned Additional Mahila Court (Magistrate Level), Trichy and quash the same in so far as the petitioner is concerned.

|                |                                                         |
|----------------|---------------------------------------------------------|
| For Petitioner | : Mr.S.Ravi                                             |
| For R-1        | : Mr.K.K.Ramakrishnan,<br>Additional Public Prosecutor. |
| For R-2        | : Mr.B.Jameel Arasu                                     |

\* \* \*

### O R D E R

The second respondent herein Pensirani is the defacto complainant in this case. She got married to John Britto on 02.09.2009. Two children were born through the wedlock. It appears that John Britto developed interest with one Yasmin Begum. As a result he began to ill-treat the defacto complainant. The defacto complainant thereupon lodged the First Information Report in Crime No.15 of 2015 on the file of All Women police station, Srirangam. The matter was investigated and final report was filed before the Additional Mahila Court(Judicial Magistrate Level), Tiruchirappalli and cognizance of the offences under Sections 498(A), 406, 506(i), 494, 109 I.P.C. r/w. Section 4 of Tamil Nadu Women Harassment Act 2002 was also taken. While filing the criminal case, the second respondent had implicated only her husband and her other in-laws. While filing final report, the petitioner was arrayed as accused No.6. To quash the impugned proceedings as far as the petitioner is concerned, this criminal original petition has been filed.

2. Heard the learned counsel on either side.

3. It is seen that the petitioner fell in love with one Sridhar Babu and got married to him way back on 29.01.2003. She has been living alone at Chennai. The matrimonial home of the second



respondent was at Uraiyoor, Trichy. The allegations of the second respondent is that when the issue between herself and John Britto cropped up, the other accused came down to Trichy and committed the acts of cruelty that have been set out in the final report.

4. I carefully went through the contents of the final report. The primary allegations are directed only against John Britto and Yasmin Begum. The petitioner's name has been included only along with others and no specific allegations have been made against the petitioner. The petitioner's counsel would submit that omni bus allegations have been made against accused Nos.2 to 6.

5. In as much as the petitioner was not part of the matrimonial home and since she was residing at Chennai and since the primary allegations are only made against accused Nos.1 and 7, I am of the view that continuance of the impugned prosecution would only amount to an abuse of legal process. In this view of the matter, the impugned prosecution stands quashed as far as the petitioner is concerned.

6. Taking note of overall facts and circumstances, the learned trial Magistrate is directed to conclude the case in accordance with law within a period of six months from the date of receipt of a copy of this order.

7. With this direction, the criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

**To:**

1. The Additional Mahila Court(Magistrate Level),  
Trichy.
2. The Inspector of Police,  
All Women police station,  
Srirangam, Trichy District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.RAVI, Advocate ( SR-1628[F] dated 13/01/2020 )

Crl.O.P.(MD)No.7520 of 2016

09.01.2020

**KK(08.06.2020) 2P 5C**

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