



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.9005 of 2016 and

CRL.M.P.(MD)No.4451 of 2016

Srinivasan

... Petitioner/Respondent

Vs.

Meenakshi @ Meena

... Respondent/Petitioner

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.21 of 2016 on the file of the Judicial Magistrate No.III, Thanjavur, Thanjavur District and quash the private complaint filed by the respondent herein.

For Petitioner : Mr.A.Thiruvadi Kumar

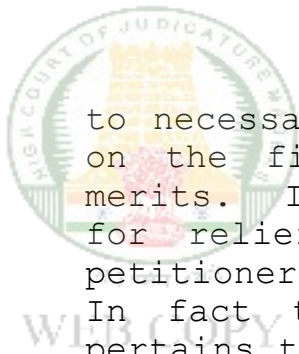
For Respondent : Mr.K.Mahendran

O R D E R

The petitioner is facing trial in C.C.No.21 of 2016 on the file of the Judicial Magistrate No.III, Thanjavur.

2. It is a private complaint instituted by the respondent herein. The respondent is none other than the wife of the petitioner herein. The marriage between the parties took place way back in the year 2002. A child was also born in the year 2003. The relationship between the parties suffered a breakdown. The petitioner had filed divorce petition against the respondent and the same was dismissed. Aggrieved by the same, the petitioner has filed an appeal and it is still pending. The respondent had filed D.V.C.No.1 of 2016 against the petitioner and her in-laws before the Judicial Magistrate No.III, Thanjavur. The petitioner has filed Crl.O.P.(MD)No.4403 of 2017 before this Court for quashing the proceedings. Likewise the in-laws have also filed quash petition.

3. The learned counsel appearing for the petitioner on instructions states that he will withdraw Cr.O.P.(MD)No.4403 of 2017 filed by him. In fact he also produced a copy of the letter given by the petitioner addressed to him. It is expected that Crl.O.P.(MD)No.4403 of 2017 will be listed very shortly for withdrawal. After the said withdrawal, the petitioner will have



to necessarily face the proceedings in D.V.C.No.1 of 2016 pending on the file of the Judicial Magistrate No.III, Thanjavur, on merits. In the said proceedings, the respondent herein had asked for relief pertaining to return of jewellery. Therefore, the petitioner's liability will be determined in the said proceedings. In fact the subject matter of the impugned prosecution also pertains to the very same issue. In as much as the petitioner will have to face another proceedings in respect of the very same subject matter, I am of the view that the continuance of the impugned prosecution is unwarranted.

4. In this view of the matter, the impugned prosecution stands quashed. The criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

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/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The Judicial Magistrate No.III,
Thanjavur, Thanjavur District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to MR.K.MAHENDRAN, Advocate (SR-3426[F] dated 28/01/2020)

+1 CC to MR.A.THIRUVADIKUMAR, Advocate (SR-3702[F] dated 29/01/2020)

Crl.O.P.(MD)No. 9005 of 2016
27.01.2020

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