



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C(MD)No.542 of 2016

and

Crl.M.P. (MD)No.6893 of 2016

WEB COPY

1.Arockiya Sheela

2.Kumar

3.Sasikala

... Petitioners

Vs

1.State rep. by

The Sub Inspector of Police,
Thevaram Police Station,
Thevaram, Theni District.

2.R.Arockiya Raj

... Respondents

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order passed by the learned District Munsif cum Judicial Magistrate, Bodinayakanur, Theni District in Cr.No.396 of 2015, dated 21.07.2016 and allow this criminal revision petition.

For Petitioner : Mr.C.Ganesh Kumar

For R1 : Mr.A.Robinson

Government Advocate (Crl.side)

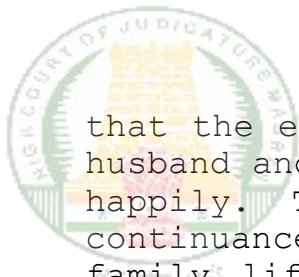
For R2 : Mr.K.Seemaraaj

ORDER

Heard the learned counsel on either side.

2.The petitioners herein were originally implicated in Crime No.396 of 2015 registered on the file of the Thevaram Police Station. The matter was investigated and final report was filed. When the final report was filed, the petitioners herein were omitted in the charge sheet. However, the learned Judicial Magistrate, Bodinayakanur, while taking cognizance of the offence, directed the inclusion of the petitioners also in the array of the accused, so that, they could face the trial. Challenging the same, this revision case came to be filed.

3.During the pendency of this revision case, A1 and A2 namely Jesudas and Maria Selvam filed Crl.O.P.(MD)No.17248 of 2016 for quashing the proceedings in C.C.No.160 of 2016. The said quash petition was taken up along with another quash petition by the learned Judge of this Court and vide order dated 05.11.2020, the proceedings were quashed. The learned Judge took note of the fact



that the entire occurrence took place on account of quarrel between husband and wife and that, they are now reunited and they are living happily. Therefore, the learned Judge took the view that the continuance of the prosecution would only cause disruption in their family life. When the case against A1 and A2 itself has been quashed, I fail to understand as to how the proceedings can be allowed to continue against the remaining accused.

4.In this view of the matter, the order impugned in this revision case is quashed. This Criminal Revision Case is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

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 District Munsif cum Judicial Magistrate, Bodinayakanur,
Theni District.
- 2.The Sub Inspector of Police,
Thevaram Police Station,
Thevaram, Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KB(23.12.2020) 2P 4C