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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.6233 of 2018

And

Crl.M.P.No.3148 of 2018

1.Rajadurai
2.Nallammal
3.Sathishkumar
4.Sumithra
5.Tamilselvi
6.Sathiyamoorthy

...Petitioners/
Accused 2 to6

Vs.

1. The Inspector of Police,
All Women Police Station,
Sooramangalam,
Salem District.

2. K.Sathya

...Respondents/
Complainant

Prayer:-Petition filed under Section 482 of Cr.P.C., seeking to call for the records pertaining to C.C.No.4 of 2018 on the file of the Additional Judge Magila Court, Salem and quash the same by allowing this criminal original petition.

For Petitioners : Mr.K.Sathishkumar
For Respondents : Mr.C.E.Pratap for R1
Government Advocate (Crl. Side)
Mr.MA.P.Thangavel for R2

O R D E R

This petition has been filed seeking to call for the records in C.C.No.4 of 2018 on the file of the Additional Magila Court, Salem and to quash the same.

2.The facts of the case is that the marriage between the second respondent and her husband was solemnized on 03.09.2008 and out of the wedlock they were blessed with one female child. Thereafter when the second respondent was 6 months pregnant, her father settled his properties in favour of his brother, due to



which, she was driven away from her matrimonial home. The accused are alleged to have tortured the second respondent and also did not allow her to see her female child. Hence, she lodged the complaint. After investigation, charge sheet was filed and the same was taken on file as C.C.No.4 of 2018 by the Additional Magila Court, Salem. Challenging the same, the petitioners have filed this petition.

3.The learned counsel appearing for the petitioners submitted that the second respondent/ defacto complainant's husband already passed away and the children born out of their wedlock are under the custody of the defacto complainant. He further submitted that during the pendancy of this petition, petitioners 1 and 2 who are the Father - in - Law and Mother - in - Law of the second respondent also passed away and the remaining petitioners are the Brother - in - Law, his wife, Sister - in - Law and Brother - in - Law of the defacto complainant and further submitted that there are no specific allegations as against the living petitioners.

4.The learned counsel appearing for the second respondent did not dispute the fact that the main accused have already passed away.

5.This Court also heard the submissions made by the learned Government Advocate (Crl. Side) appearing for the first respondent.

6.The relationship between the parties is not disputed. This Court perused the charge sheet. It reveals that the main allegation is against A1. It appears that the main accused have already passed away. Hence, C.C.No.4 of 2018 on the file of the Additional Magila Court, Salem stands abated as against the main accused including the petitioners 1 and 2 herein. Since there is no specific allegation as against petitioners 3 to 6, I have no hesitation to quash the proceedings in C.C.No.4 of 2018 before the Additional Magila Court, Salem, as against these petitioners.

7.This criminal original petition is allowed and C.C.No.4 of 2018 on the file of the Additional Magila Court, Salem, stands abated as against petitioners 1 and 2 and is quashed in so far as petitioners 3 to 6 are concerned. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar



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To

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1. The Additional Magila Judge,
Salem.
2. The Inspector of Police,
All Women Police Station,
Sooramangalam,
Salem District.
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

Crl.O.P.No.6233 of 2018
And
Crl.M.P.No.3148 of 2018

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NSK 13/09/2021