



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

CrI.O.P.No.3375 of 2016
and CrI MP No.1739 of 2017

1.Mr.Jestin Chellakumar
2.Mr.Selvarj

... Petitioners/2nd and 4th accused

Vs.

S.Arunagiri

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.204 of 2015 on the file of the Judicial Magistrate Court, Ariyalur and quash the same, as against the Petitioners/2nd and 4th Accused.

For Petitioner : Mr.D.Ramesh Kumar

ORDER

This Criminal Original petition has been filed seeking to quash the proceedings in C.C.No.204 of 2015 on the file of the Judicial Magistrate Court, Ariyalur.

2. The gist of the case is that the defacto complainant and the 1st accused were husband and wife. The wife/1st accused left the house of the complainant abandoning her son, who was aged about 9 years, due to some family dispute. Therefore, the defacto complainant herein had filed a complaint before the Royapettah police station, where CSR has been issued. Meanwhile, about a month after having left the matrimonial home on her own volition, she filed MC No.14 of 2014 before the learned Hon'ble Judicial Magistrate II, Thanjavur under the Protection of Women from Domestic Violence Act. In the said case, the complainant, his mother and his two married sisters were arrayed as an accused. The case is still pending at the stage of investigation. Whiles, the Accused No.1 along with Accused 2, A3 and A5 entered into the house of the complainant and taken the child to the police station and produced him before the Court next day. Few days later, the complainant came to know that based on the order dated 31.03.2015, directing the Child Protection Officer to hand over the child to A1, the accused persons took away the child from him, he filed two cases in



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Crl.OP No.7145 of 2015 and in WP.5665 of 2015 before this Court. Simultaneously, a complaint has also been filed by the complainant under Section 200 r/w 190 of Cr.PC. to punish the accused under Sections 341, 452, 120B read with Section 34 and 363 of IPC and the accused police officers, A3 to A5 under the Protection of Human Rights Act before the learned Judicial Magistrate, Ariyalur. The said complaint has taken taken on file in C.C.No.204 of 2015 on the file of Judicial Magistrate Court, Ariyalur.

3. The learned counsel for the petitioners on instructions submitted that the defacto complainant is no more and the accused persons herein have been added as an accused only to wreck vengeance and therefore, prays for allowing of this Criminal Original petition.

4. It is seen from records that the allegation made against the petitioner/2nd accused, is that he an Advocate assisted A1 to take the child from the Defacto complainant and against Accused No.4, is concerned, he was the Deputy Superintendent of Police had given instructions to A3 and A5 to secure and hand over the child to Accused No.1, as per the order of the Court dated 31.03.2015. That being the factual aspect, there is material to show that the above accused have committed any Crime and they did their profession alone and therefore, this Court is inclined to quash the proceedings pending against these petitioners. It is brought to the knowledge of this Court that the Defacto complainant is no more and therefore, this Criminal Original petition is dismissed as infructuous. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To
1.The Judicial Magistrate Court,
Ariyalur

+1cc to Mr.D.Ramesh Kumar, Advocate SR No.37084

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GPL (CO)
PR (25/08/2021)