

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P No.2610 of 2019
and
Crl.M.P No.1683 of 2019

S.T.Sangeetha Lakshmi

...Petitioner

Vs

1.The State, rep. by the
Inspector of Police
Poombukar Police Station
Crime No.161 of 2014
Nagapattinam District

2.T.Kaliyamoorthy

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the criminal case in C.C.No.161 of 2016 on the file of the Judicial Magistrate, Sirkali and quash the same in respect of the petitioner (A2) is concerned, by allowing this quash petition.

For Petitioner : Mr.N.Manoharan

For Respondents : Mr.C.Raghavan for R1
Government Advocate (Crl.Side)

O R D E R

This petition has been filed to quash the proceedings in C.C.No.161 of 2016, on the file of the Judicial Magistrate, Sirkali.

2. The case of the prosecution is that A1 Sathya had eloped with some person and she was, later traced at Kumbakonam. The further case of the prosecution is that the husband of the petitioner (A3) had developed an affair with A1 and it is stated that they had eloped and gone to Chennai. The further case of the prosecution is that the accused persons have conspired to misappropriate the money belonging to the 2nd respondent and had cheated him to the tune of Rs.40,00,000/-. The 2nd respondent is the father of A1.

3.The respondent police on completion of investigation filed a final report before the Court below against three accused persons for an offence under Sections 403, 406 and 420 IPC. The petitioner has been arrayed as A2 in the final report.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the 1st respondent. The 2nd respondent has been served notice and his name has also been printed in the cause list and there is no appearance either in person or through counsel.

5. It is seen from the records that the petitioner, who is the wife of A3 is a doctor by profession and in fact, she must be aggrieved with the attitude of her husband, who had eloped along with A1. A careful reading of the final report and the materials available on record shows that there is not even a prima facie case against the petitioner and the entire allegations are directed against A1, who is the daughter of the de-facto complainant.

6. Without there being any material against the petitioner, it is not necessary for the petitioner to go through the ordeal of facing the trial before the Court below and the same will tantamount to an abuse of process of Court, which requires the interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

7. In the result, the proceedings in C.C No.161 of 2016, on the file of the Judicial Magistrate, Sirkali, is hereby quashed insofar as the petitioner is concerned. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

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To

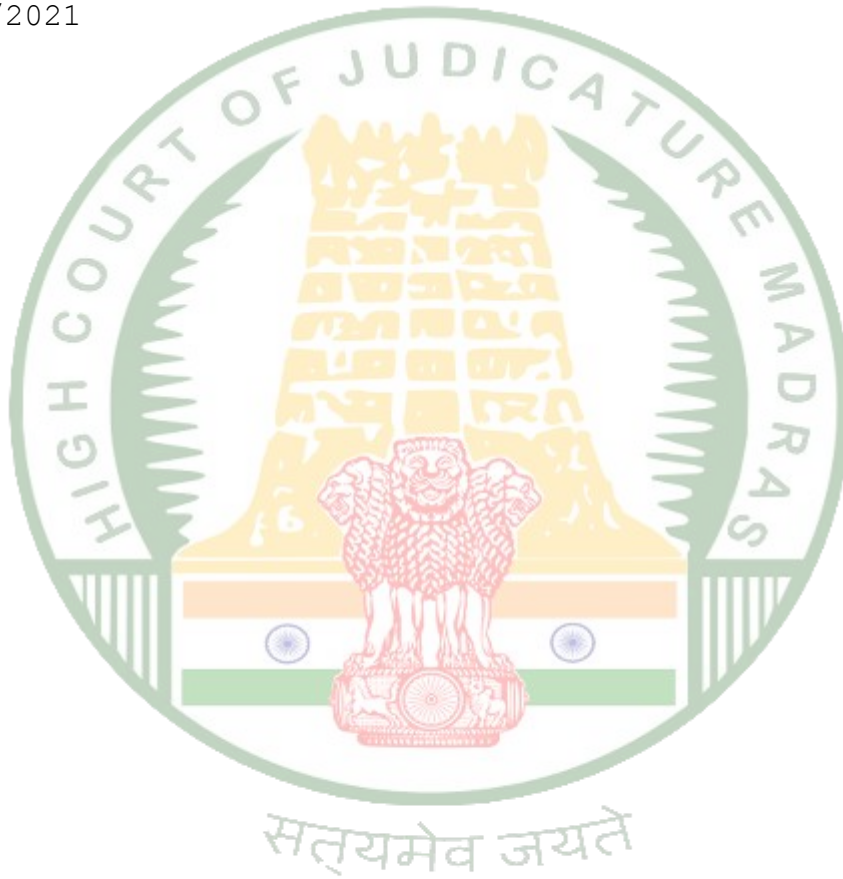
1. The Judicial Magistrate,
Sirkali
2. Inspector of Police
Poombukar Police Station
Nagapattinam District

3.The Public Prosecutor
High Court of Madras.

+lcc to M/s.N.Manokaran, Advocate, S.R.No.7973

Cr1.O.P No.2610 of 2019
and
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CP (CO)
KKV/11/03/2021



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