



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Crl.O.P.Nos.7207 and 7579 of 2016

and

Crl. M.P. Nos.3993, 3994, 3770 and 3771 of 2016

1. R.John S/o.Rathinaraj

2. Mrs.Flora John W/o.R.John

... Petitioners
(in Crl.O.P.No.7207 of 2016)

Fredrick John

... Petitioner
(in Crl.P.No.7579 of 2016)

Vs.

1. State rep by
The Inspector of Police
All Women Police Station
Hosur, Krishnagiri District

2. F.Susan Gracy
W/o.J.Fredrick John

... Respondents
(in both the petitions)

COMMON PRAYER: Criminal Original Petitions are filed under Section 482 Cr.P.C., to call for the records and quash the C.C.No.318 of 2015 on the file of the Judicial Magistrate No.II, Hosur.

For Petitioners : M/s.Gladys Daniel

For Respondent-1 : Mr.E.Rajthilak
Government Advocate (Crl.side)

For Respondent-2 : Served - name printed
No Appearance

COMMON ORDER

These Criminal Original petitions have been filed seeking to quash the proceedings in C.C.No.318 of 2015 pending on the file of the Learned Judicial Magistrate No.II, Hosur.



2. The learned counsel for the petitioners submitted that the petitioners in Crl.O.P.No.7207 of 2016 are the in-laws of the 2nd respondent. The petitioner in Crl.O.P.No.7579 of 2016 is the husband of the 2nd respondent. In view of the dispute and misunderstanding between the petitioners in both petitions and the 2nd respondent, the said complaint has been made by the 2nd respondent against the petitioners. The same was registered in Crime No.43 of 2015 and after investigation, charge sheet has been filed in C.C.No.318 of 2015 on the file of the Judicial Magistrate No.II, Hosur. Apprehending the above proceedings, the petitioners have filed the Criminal Original petitions to quash the same.

3. Heard, the learned counsel for the petitioners and the learned Government Advocate (Crl.Side).

4. In the event of hearings on both sides, it came to know that both the husband, who is the petitioner in Crl.O.P.No.7579 of 2016 and the wife, who is the 2nd respondent herein, have obtained a divorce on 17.2.2017 on the file of the Principal District Court, Krishnagiri, in petition No.1 of 2016. The wife/2nd respondent herein has married again one person with whom she had friendship and the same it was reflected in the grounds raised by the petitioners herein. It has also been submitted that the child is in the custody of the wife and the husband is deprived of visitation right.

5. In view of the above, it is also proved that the wife is already having friendship with the person whom she got married again. Hence, this Court is of the considered view that the petitioners cannot be put to hardship by pursuing the issue. Hence, the proceedings in C.C.No.318 of 2015 pending on the file of the Learned Judicial Magistrate No.II, Hosur is hereby quashed and these Criminal Original Petitions are allowed. Consequently, connected miscellaneous petitions are closed if any.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

lbm

To:

1. The Judicial Magistrate No.II,
Hosur.



2. The Inspector of Police
All Women Police Station
Hosur, Krishnagiri District

3. The Additional Public Prosecutor,
High Court of Madras, Chennai.

+4cc to Mr.Daniel & Gladys, Advocate, S.R.No.31782

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PMK(CO)
SB(23/08/2021)