



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2021

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

CrI.O.P.No.16214 of 2019
and CrI.M.P.Nos.8105 of 2019 & 489 of 2020

1.Sathyan
2.Subramanian
3.Rajeswari

..Petitioners

Vs.

1.The Inspector of Police,
All Women Police Station, Villianur
Puducherry - 605 110.

2.Suganthi

..Respondents

PRAYER : This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records in C.C.No.824 of 2019, on the file of Chief Judicial Magistrate, Puducherry and quash the same. (CC amended as per order dated 13.01.2020 made in CrI.M.P.No.487/2020 in CrI.O.P.No.16214/2019).

For Petitioners	: Mr.Sreenivasan D
For Respondents	: Mr.V.Balamurugane
	Public Prosecutor (Pondy) for R1
	No appearance for R2

O R D E R

This Criminal Original Petition has been filed under Section 482 Cr.P.C, to call for the records in C.C.No.824 of 2019, on the file of Chief Judicial Magistrate, Puducherry and quash the same.

2. The second respondent was the wife of the first petitioner. They got married on 06.12.22013 and started to live together at the house of the first petitioner. Subsequently, there was misunderstanding between themselves and it resulted in serious marital dispute. Consequently, she has filed a petition for divorce and an order of dissolution for marriage has also been passed on 17.03.2017 in MOP No.493 of 2016, by the Family Court, Puducherry. This complaint seems to have given on 10.06.2014.



3. The learned counsel for the petitioner submitted that there is no prima-facie material to make out a case against the petitioners.

4. On notice, the learned Public Prosecutor, Puducherry, submitted that as per his instructions, the defacto complainant was not regular in attending the Court proceedings and their enquiry revealed that she had got married to someone else, subsequent to the order of divorce and got settled. Probably because of that she would not have evinced any interest in the case pending before the Chief Judicial Magistrate Court, Pondicherry. Since the marriage between the first petitioner and second respondent was dissolved by an order of the Court and the second respondent was also reluctant to participate in criminal proceedings, nothing is going to be served by keeping this case pending.

5. In view of the above circumstances, the proceedings in C.C.No.824 of 2019, on the file of the Chief Judicial Magistrate, Puducherry, is quashed. Accordingly, the Criminal Original Petition stands allowed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Pns

To

1.The Chief Judicial Magistrate,
Puducherry.

2.The Inspector of Police,
All Women Police Station, Villianur
Puducherry - 605 110.

3.The Public Prosecutor (Pondicherry),
High Court, Madras.

+2ccs to Mr.D.Sreenivasan, Advocate Sr No.56411

Cr1.O.P.No.16214 of 2019

SMI (CO)
PR (17/11/2021)