



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.11.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SATISH KUMAR

Crl.O.P.No. 4054 of 2017

and

Crl.M.P.No.3019 of 2017

P.Guruviah

... Petitioner/ Accused No.2

Versus

N.Jegan

... Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C to quash the entire records pertaining to C.C.No.249/2015 pending on the file of the Judicial Magistrate No.1, Tiruvannamalai.

For Petitioner : Mr.M.Mariappan

For Respondent : Mr.B. Jawahar

ORDER

This petition has been filed to quash the proceedings in C.C.No.249 of 2015 pending on the file of Judicial Magistrate No.1, Tiruvannamalai, as against the petitioner, who has been arrayed as A2.

2. Heard the learned counsel for petitioner and the learned counsel for respondent.

3. A private complaint has been filed against A1 and A2. It is the case of the prosecution that A1 used to visit Tiruvannamalai frequently, that the de facto complainant and A1 fell in love with each other and that A1, under the guise of marrying the de facto complainant, had physical relationship with her. However, he failed to marry her. The allegation against this petitioner/A2 is that he supported A1. The prosecution had been launched by way of private complaint against A1 and A2.



4. A perusal of the private complaint lodged by the de facto complainant and sworn statement given before the Magistrate, except the allegation that A2 supporting A1, no other materials whatsoever available on record, evidencing this petitioner's role. Even in the entire evidence tendered before the learned Magistrate is taken as proof, the same would not constitute any offence against A2.

5. In such view of the matter, continuation of the prosecution against A2 is a sheer abuse of process of law. Accordingly, this criminal original petition is allowed and the private complaint as against A2 alone is quashed. The trial Court is directed to proceed with the case as against A1 as expeditiously as possible. Consequently, the connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

gba/gpa

To

1. The Judicial Magistrate No.1,
Tiruvannamalai.
2. The Chief Judicial Magistrate,
Tiruvannamalai.

Crl.O.P.No.4054 of 2017
and
Crl.M.P.No.3019 of 2017

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srg 29/11/2021