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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.12.2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.11362 of 2017

Ranjitha
Daughter of Raja ... Petitioners/Accused No.4

Versus

1. State Represented by
The Inspector of Police
All Women Police Station
Perambalur
(Crime No.28 of 2015)

2. Shobana ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records and quash the entire criminal proceedings in C.C.No.207 of 2016 on the file of the Additional Mahila Court, Perambalur as against the petitioner.

For Petitioners : Mr.T.Saikrishnan
for M/s.Sai Bharath and Ilan

For Respondents : Mr.R.Kishore Kumar
Govt. Advocate (Crl.side) for R1

For Respondent – 2 : No Appearance

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.207 of 2016 insofar as this petitioner is concerned, who was arrayed as A4.

2. Heard the learned counsel for petitioner and the learned Government Advocate (Crl.side) appearing on behalf of the fist respondent.

3. The crux of the allegation is that accused 1 to 3, abused the de facto complainant, committed cruelty on the de

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facto complainant and also conducted second marriage to A1 besides causing injuries, thereby committed the offences punishable under Sections 498A, 494, 323, 294(b), 355 and 506(1) IPC. Though prosecution collected several materials, the only allegation against the present petitioner is that she married A1 when the marriage between the first accused and the de facto complainant was very much in existence. Apart from that, no other allegations whatsoever unearthed against this petitioner/A4.

4. Therefore, when the materials collected by the prosecution itself would not lead to proving any offence and merely because she married the first accused, she cannot be prosecuted for the offence under Section 494 IPC. It is not the case of the prosecution that the petitioner is having husband living at the time of alleged marriage. In such view of the matter, the prosecution as against this petitioner (A4) cannot be maintained in the eye of law merely on the allegation that she married A1.

Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.207 of 2016 as against the petitioner herein alone is quashed. The trial Court shall proceed with the case as against other accused.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

gpa

To

1. The Judge, Additional Mahila Court,
   Perambalur.

2. The Inspector of Police
   All Women Police Station
   Perambalur.

3. The Public Prosecutor,
   High Court, Madras.

+1cc to M/s.T.Saikrishnan, Advocate, S.R.No.65193

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PL(CO)
SU(30/12/2021)
SU(10/01/2022)

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