



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.20271 of 2021 and

CRL.M.P.(MD)No.11495 of 2021

Mahendran

... Petitioner / Accused

Vs.

1. The Inspector of Police,
All Women police station,
Vallam,
Thanjavur District.

... Respondent / Complainant

2. Ramya

... Respondent /
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the case in C.C.No.14 of 2021 under Sections 495, 498(A) and 420 of I.P.C. pending trial on the file of the learned Additional Mahila Court, Thanjavur and quash the same as against the petitioner.

For Petitioner : Mr.K.Anna
For R-1 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

O R D E R

Heard the learned counsel on either side.

2. This criminal original petition has been filed to quash the proceedings in C.C.No.14 of 2021 on the file of the Additional Mahila Court, Thanjavur.

3. The learned counsel appearing for the petitioner would point out that the prosecution case is that the second respondent herein is the second wife of the petitioner. If that be so, Section 498(A) of I.P.C. cannot be invoked. I find some force in the said contention. But then, the case of the prosecution is that the petitioner had suppressed the first marriage and had contracted the second marriage with the defacto complainant. If that be so, there are *prima facie* materials to try the petitioner for the offences under Sections 495 and 420 of I.P.C.

4. Leaving open all the contentions and the defences of the petitioner, this criminal original petition is dismissed.



5. Taking note of the facts and circumstances of this case, the personal appearance of the petitioner before the Court below is dispensed with. However, the petitioner has to appear before the Court below on the following three occasions:-

i) To answer the charges,

ii) at the time of examination under Section 313 of Cr.P.C. and

iii) at the time of pronouncement of Judgment.

The petitioner also will have to appear when his presence is insisted upon by the trial Court and on all other occasions, the petitioner can be represented by his counsel. If the petitioner's counsel also fails to appear, the benefit of this order will stand vacated automatically. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Judge,
Additional Mahila Court, Thanjavur.
2. The Inspector of Police,
All Women police station,
Vallam, Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.ANNA, Advocate (SR-39832[F] dated 21/12/2021)

CrI.O.P.(MD)No.20271 of 2021

20.12.2021