



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P. (MD)No.12075 of 2017

and

Cr.M.P(MD)No.8325 of 2017

(Through video Conference)

WEB COPY

1.Mani Prakash
2.Ramalingam
3.Amutharani

.. Petitioners/ Accused 1 to 3
Vs.

1.The Inspector of Police,
All Women Police Station,
Pudukkottai District.
(In Crime No.10/2014)

.. Respondent/Respondent

2.Seetha

.. Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in C.C.No.11 of 2016 pending on the file of the learned Judicial Magistrate, Pudukkottai, quash the same.

For Petitioners	: Mr.D.Selvam
For R1	: Mr.A.Thiruvadi Kumar Additional Public Prosecutor
For R2	: Ms.S.Ragaventhre Legal Aid Counsel

O R D E R

The petition under Section 482 Cr.P.C., is filed to call for the records in C.C.No.11/2016 pending on the file of the learned Judicial Magistrate, Pudukkottai and quash the same on the ground that the complaint of the second respondent herein was wrongly taken cognizance without appreciating the evidence collected during the investigation, more particularly, when the complaint of the second respondent alleging that there was dowry harassment and misappropriation of her property, based on the complaint, dated 24.12.2013 addressed to Chief Minister's Cell.

2. The learned counsel for the petitioners would submit that there was discard of matrimonial relationship between the first petitioner herein and the second respondent, which has led to

<https://hcservicescourts.gov.in/services>

complaint against each other. In fact on



26.12.2013, the second petitioner herein lodged a complaint against the family members of the second respondent and the same was registered under Crime No.531 of 2013 by the Ganesh Nagar Police Station, Pudukottai for the alleged offence punishable under Sections 147, 452, 294(b), 323, 427 and 506(i) IPC. On the very same day one Murugan, father of the defacto complainant made a complaint to the very same police against the petitioners herein alleging offence under Sections 294(b), 323 and 506(ii) IPC in Crime No.532 of 2013. These two complaints were culminated into taking cognizance by the learned Judicial Magistrate, Pudukkottai in C.C.No.247 of 2014. While so, it is contended by the learned counsel for the petitioners that the complaint, dated 24.12.2013 addressed to the Chief Minister's cell was taken for investigation and final report was filed by the All Women Police Station, Pudukkottai on 21.05.2015 against the petitioners herein, which was infact based on the complaint addressed by the second respondent to the Chief Minister's Cell after the second respondent initiated divorce proceedings in H.M.O.P.62 of 2013 on the file of the Sub Court, Pudukkottai.

3. Without considering the material contradictions between the statements of the witnesses, the respondent police had filed the final report without any material evidence to convict the petitioners herein and more particularly, suppressing the pending criminal proceedings against each other and the divorce petition. Further, the learned counsel would submit that the second respondent, the wife of the first petitioner had subsequently married one Prakash and begotten a child on 23.12.2017. In the light of the said development, elders of both the families met on 08.09.2018 and arrived at a compromise to part away peacefully. The same was reduced into writing in which the second respondent defacto complainant and her parents, have affixed their signature. Therefore, the learned counsel for the petitioner would submit that nothing survives in this case for prosecuting the petitioners herein and therefore same has to be quashed, if not on the face of the complaint but atleast taking note of the subsequent event in the life of the parties.

4. Since notice to the second respondent defacto complainant served but there was no representation, this Court felt that she must be heard before deciding the petition. Accordingly, Mrs.S.Ragaventhre was appointed through Legal Services Authority to contact the second respondent and get her instruction.

5. Today when the matter was taken up for consideration, it is reported by the legal aid counsel that she contacted the mother of the defacto complainant and came to know that the defacto complainant is married and living with one Prakash at Chennai.



6. Regarding the agreement for dissolution of marriage, dated 08.09.2018, the mother of the defacto complainant has informed the legal aid counsel that the signature in the said agreement was obtained by force and they have not given valid consent for the same.

WEB COPY

7. After giving anxious consideration of the facts of the case, this Court is of the opinion that even if the agreement for dissolution of marriage dated 08.09.2018 is not obtained with full consent, the subsequent event of the second respondent getting marriage and living peacefully indicates that the defacto complainant is no more interested in pursuing her complaint and as rightly pointed out by the learned counsel for the petitioners, her complaint dated 24.12.2013 was during the peak of the dispute between the parties leading to lodging complaint against each other. After the efflux of time, due to the change in circumstances and in the interest of both the parties C.C.No.11 of 2016 on the file of the learned Judicial Magistrate, Pudukkottai is liable to be quashed. Accordingly, this Criminal Original Petition is allowed and C.C.No.11 of 2016 is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PJL

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 Judicial Magistrate, Pudukkottai.

2.The Inspector of Police,
All Women Police Station,
Pudukkottai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.RAGAVENTHRE, Advocate (SR-38565[F] dated 14/12/2021)

Crl.O.P. (MD)No.12075 of 2017

10.12.2021