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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

CRL.O.P.NO.6160 OF 2016

AND

CRL.M.P.NOS.3167 & 3168 OF 2016

1. Anthoni Franklin Joseph
2. A.Yesudas
3. A.Kannikai Mary
4. Irudya Mary
5. Jasmin
6. Ezhil Nirmals Selvi
7. M.Aruldoss

.. Petitioners/Accused

Vs.

1. The Inspector of Police,  
All Women Police Station,  
Cuddalore.

...Respondent/State

2. A.Jestina

.. 2<sup>nd</sup> Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.105 of 2014 on the file of Additional Mahila Court, Cuddalore and quash the same.

For Petitioners : Mr.N.Suresh

For Respondents : Mr.E.Raj Thilak, for R1  
Additional Public Prosecutor  
Mr.C.Saikrishnan, for R2

O R D E R

This petition is filed to call for the records in C.C.No.105 of 2014 on the file of Additional Mahila Court, Cuddalore and quash the same.



2. Mr. C. Sai Krishna, learned Legal Aid Counsel appointed to represent second respondent filed a memo signed by the defacto complainant. It is seen from the memo that divorce was granted to the parties viz., the first petitioner and the second respondent in O.P.No.83 of 2016 by the learned Principal District Judge, Villupuram. Thereafter, the second respondent married once again. She presently lives in Malaysia with her new family and she is not willing to proceed the case against the petitioners. It is also prayed that this Court may be pleased to record the memo and pass appropriate orders.

3. In view of the memo filed, this Court finds that nothing survives in the criminal case in C.C.No.105 of 2014. The case was registered for the alleged offences under Sections 498(A) & 406 IPC and the defacto complainant is not interested in prosecuting the case. Even if the trial is conducted that would serve no purpose. Therefore, recording the submission of the defacto complainant/second respondent in the memo, this criminal original petition stands allowed and as a sequel, the case in C.C.No.105 of 2014 pending on the file of Additional Mahila Court, Cuddalore, is quashed and the terms of affidavit shall form part of the record. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

AT

To

1. The Additional Mahila Judge, Cuddalore.
2. The Inspector of Police,  
All Women Police Station,  
Cuddalore.
3. The Public Prosecutor,  
High Court of Madras.

+1cc to Mr.N.Suresh, Advocate, S.R.No.17247

Cr1.O.P.No.6160 of 2016 and  
Cr1.M.P.Nos.3167 & 3168 of 2016

MG(CO)  
RLP(28/03/2022)