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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.27074 of 2017
and Crl.M.P.Nos.15539 and 15540 of 2017

1.V.S.Prabhu
2.V.S.Valli

...Petitioners

Versus

A.Arun Vidhya

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.129 of 2017 pending on the file of the Learned Judicial Magistrate No.V, Coimbatore and quash the same.

For Petitioner	:	Mr.Shanmugam for Mr.R.Karthikeyan
For Respondent	:	Mr.R.Tholgappian

O R D E R

This Criminal Original Petition has been filed to call for the records in C.C.No.129 of 2017 pending on the file of the Learned Judicial Magistrate No.V, Coimbatore and quash the same.

2. Originally the private complaint has been filed against all the family members for various offences. The learned Magistrate after considering the sworn statement took cognizance for the offences under Sections 312, 323, 406, 498(a), r/w. 506 (i) IPC and Section 4 of Dowry Prohibition Act.

3. Learned counsel for the petitioners submitted that the marriage between the petitioner and the defacto complainant was solemnized on 05.09.2016. Thereafter, both husband and wife went to Singapore on 01.11.2016.

4. The entire allegations of the defacto complainant indicate that as if there was alleged ill treatment in Singapore, therefore, she returned from Singapore on 20.12.2016



and all other allegations are general in nature. The divorce order was already obtained by the petitioner. Both the parties have settled their life and the entire private complaint is nothing but abuse of law.

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5. Learned counsel for the respondent submitted that the defacto complainant has also settled in abroad and she has no instructions from her.

6. On perusal of the entire complaint, the complaint itself indicate that the husband and wife lived only for a short period, whereas, the allegation targeted even before the marriage day and the marriage was solemnized on 05.09.2016. Thereafter, it appears that the matrimonial life has ended between the parties, which is general in nature. However, the submissions made before the Magistrate shows as if the defacto complainant was given some ill treatment in Singapore. Therefore, she returned from Singapore immediately on 20.12.2016. The above facts clearly shows that husband and wife lived only for few months. They left to Singapore on 01.11.2016 and prior to that, even in the Singapore, the accused admitted for some spinal cord issues and the allegation also indicate that the marriage was not consummated.

7. Therefore, this Court is of the view that the entire matrimonial dispute is only due to the non consummation of marriage which triggered the filing of the complaint. It is brought to the notice of this Court that for the similar allegations, Domestic Violence Act case is also filed before the learned Judicial Magistrate V against the petitioner and the same has been quashed by this Court vide order dated 09.08.2017 in CrI.O.P.No.14600 of 2017. It is also not disputed by other side. Considering the fact that the similar set of allegations were already quashed by this Court, there is no point in continuing the prosecution against the petitioners, particularly, when the defacto complainant has also settled in abroad.

8. Accordingly, the proceedings against the petitioners is quashed and this Criminal Original petition is allowed. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar



msv/nr

To

1.The Judicial Magistrate No.V,
Coimbatore.

2.The Chief Judicial Magistrate,
Coimbatore.

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PCH (CO)
PR (09/02/2022)