



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2022

CORAM

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.5647 of 2021

and

Crl.M.P(MD)No.3247 of 2021

1.M.Ayyar
2.A.Chinnaponnu
3.A.Saminathan
4.A.Amsavalli ... Petitioners/Accused Nos.1 to 4

Vs.

1.State Represented by
The Inspector of Police,
All Women Police Station,
Melur Police Station,
Madurai District.
(Cr.No.151 of 2015) ... 1st Respondent/Complainant

2.A.Priya ... 2nd Respondent/De facto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in connection with C.C.No.194 of 2020 on the file of the Judicial Magistrate, Melur and quash the same.

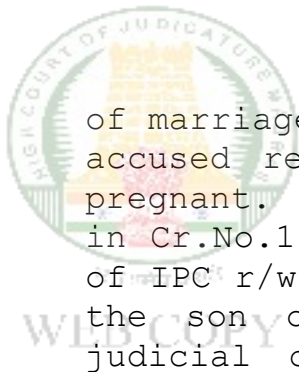
For Petitioners : Mr.D.Selvanayagam
For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

For R2 : No Appearance

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.194 of 2020 on the file of the learned Judicial Magistrate, Melur.

2.The case of the prosecution is that on the complaint lodged by the second respondent alleging that the second respondent fell in love with the son of the first accused and by giving false promise



of marriage had sexual intercourse. Therefore, the son of the first accused refused to marry her. Due to their relationship she got pregnant. Hence, she lodged a complaint and the case was registered in Cr.No.147 of 2015 for the offences under Sections 294(b), 506(i) of IPC r/w Section 6 of POCSO Act 2012. In pursuant to the said FIR the son of the first petitioner was arrested and remanded to judicial custody. While pending investigation, the petitioners herein threatened the second respondent to withdrawn the earlier complaint and also threatened her with dire consequences. Hence, the present complaint. After completion of investigation, the first respondent filed a final report and the same has been taken cognizance for the offence under Sections 294(b) and 506(ii) of IPC.

3.Eventhough notice served to the second respondent and also her name was printed in the cause list, no one appeared on behalf of her. Perused the materials available on record.

4.There are totally four accused, in which, the petitioners are arrayed as A1 to A4. While pending quash petition, A1 and A2 namely the first and second petitioners died. Insofar as A3 and A4 are concerned they are none other than the son and daughter of the petitioners 1 and 2. It is seen that the petitioners are also accused in Cr.No.147 of 2015 registered for the offence under Sections 294(b), 506(i) IPC r/w 6 of POCSO Act 2012 and they are facing trial in Spl.S.C.No.29 of 2018 on the file of the District Sessions Judge, Mahila Court, Madurai. Further the second respondent lodged a complaint on 16.12.2015 when the investigation was pending in Cr.No.147 of 2015 dated 25.11.2015.

5.On perusal of records revealed that the earlier complaint was lodged on 25.11.2015 on the allegations that the son of the first petitioner refused to marry the defacto complainant, after having physical relationship. Due to which, she got two months pregnant. On that day she was threatned by the family members namely the petitioners. The first respondent registered the case in Cr.No.147 of 2015 for the very same occurrence. Again the first respondent registered another case in Cr.No.151 of 2012 for the offence under Sections 294 (b) and 506(ii) of IPC as against the petitioners herein. Already the petitioners are facing charge for the offence under Sectiona 294(b), 506(i) IPC r/w 6 of POCSO Act 2012 in Spl.S.C.No.29 of 2018 on the file of the District Sessions Judge, Mahila Court, Madurai. Therefore, the present proceedings is nothing but clear abuse of process of law. It cannot be sustained as against the petitioner since for the very same occurrence the second FIR has been lodged and the same has been culminated into trial in C.C.No.194 of 2020.



6.In view of the above, the Criminal Original Petition is allowed and the proceedings in C.C.No.194 of 2020 on the file of the learned Judicial Magistrate, Melur is hereby quashed. Consequently connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar

// True Copy //

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Sub Assistant Registrar(CS)

vsd

To

- 1.The Judicial Magistrate,
Melur.
- 2.The Inspector of Police,
All Women Police Station,
Melur Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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and
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nsn(CO)
TR(25.05.2022) 3P 4C