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Crl.O.P.No.2067 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2067 of 2023

Sridevi

... Petitioner

Vs

1.The State rep by
The Inspector of Police,
Omalur All Women Police Station,
Salem District.
Cr.No.30/2021.

2.Chinnagounder ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records relating to the Calendar Case in C.C.No.167 of 2021 on the file of the learned Judicial Magistrate, Omalur, quash the same.

For Petitioner	: Mr.G.Mageshkumar
For Respondents	: Mr.S.Santhosh (for R1) Government Advocate (Crl.Side)

ORDER

This petition is filed for calling of the records relating to the C.C.No.167 of 2021 on the file of the learned Judicial Magistrate, Omalur



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and to quash the same.

WEB COPY 2. The learned counsel for the petitioner submitted that the 2nd respondent had given a complaint against the petitioner alleging that suppressing her 1st marriage with one Asai Thambi, she had married the 2nd respondent again. It is submitted that the petitioner and the 2nd respondent had Whatsapp communications. It is clearly admitted by the 2nd respondent that he knew about the 1st marriage between the petitioner and her husband Asai Thambi. When it is clearly made known to the 2nd respondent that the petitioner was already married, there is no case of cheating. Therefore, he prays for quashing of the proceedings.

3. In response, learned Government Advocate (crl.side) submitted that it is clear from the statement of Asai Thambi that petitioner was married to him on 12.03.2015. Then she married the 2nd respondent again and refused to register the marriage. A case for cheating is made out in this case.

4. On considering all the materials available and the submissions of the learned counsel appearing for both the parties, the case of the prosecution is that the petitioner was married to one Asai Thambi on 12.03.2015. She is not living with her husband Asai Thambi and living separately. Suppressing the 1st marriage with Asai Thambi, she deceived the



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2nd respondent and made him to marry her on 22.02.2021. It is not disputed by the petitioner that she was already married to Asai Thambi on 12.03.2015 and again married to the 2nd respondent on 22.02.2021. The claim of the learned counsel for the petitioner is that the 2nd respondent knew about the 1st marriage and it is evident from the Whatsapp chat between them.

5. This Court is of the considered view that records relating to C.C.No.167 of 2021 on the file of the learned Judicial Magistrate, Omalur cannot be quashed by this Court at this stage. It is for the petitioner to produce all the documents before the trial Court and it is for the trial Court to appreciate the evidence in the manner known to Law. Had the 2nd respondent known about the 1st marriage of the petitioner with Asai Thambi, certainly he would not had married the petitioner. The deception of the 2nd respondent by the petitioner is evident from the facts and circumstances of the case and the materials produced in this case.

6. This Court finds no merits for quashing C.C.No.167 of 2021 on the file of the learned Judicial Magistrate, Omalur and again this Court finds that there are materials to frame charges under Section 420 of IPC.

7. Accordingly, this Criminal Original Petition is dismissed.



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Consequently, connected miscellaneous petition is closed.

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Index :Yes/No

Internet:Yes/No

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To

1.The Inspector of Police,
Omalur All Women Police Station,
Salem District.

2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

mpl

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