



Crl OP No. 13553 / 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

**Criminal Original Petition No. 13553 of 2021
and**

Crl.M.P. No. 7428 of 2021

1. K. Elangovan

2. Senbhagam

3. Kaliyappan

4. Kaliyammal

5. Pavunraj

6. Sellakili @ K. Jeniba

7. Raja

... Petitioners

Versus

1. The State rep., by,
The Inspector of Police,
AWPS Chengalpattu,
Kanchipuram District.

2. Mrs. Thavamani

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records in C.C. No. 94 of 2020 pending before the Court of the Judicial Magistrate, Additional Mahila Court, Chengalpattu and quash the same.



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For Petitioners : Ms. R. Rajavigneshwari for
Ms. Deepika B. Revanth.

For Respondents : Mr. A. Damodaran,
Additional Public Prosecutor for R1.

No appearance for R2.

ORDER

The petition is to quash the C.C. No. 94 of 2020 pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Chengalpattu for the alleged offence under Sections 294 (b), 506 (i) and 417 of the Indian Penal Code.

2. It is alleged in the final report that all the accused had suppressed the fact that A1 was not a mentally sound person and arranged the marriage of A1 with the defacto complainant's daughter and when questioned, they have abused her in filthy language.

3. The learned counsel for the petitioner contended that absolutely there is no averment as to what was the alleged mental condition which was suppressed by the petitioners. In any event, A2 to A8 are relatives of A1 and have nothing to do with the alleged offence of cheating. The



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matrimonial dispute between the defacto complainant's daughter and A1 is sought to be projected as a case of cheating. The defacto complainant's daughter has already filed a petition before the Family Court, Chengalpattu in F.C.O.P. No. 167 of 2019 to declare the marriage as null and void. The first petitioner had also filed a petition in F.C.O.P. No. 95 of 2019 for restitution of conjugal rights. Further, the second accused had preferred Crl.O.P. No. 2367 of 2021 before this Court for quashing the proceedings in C.C. No. 94 of 2020 and the said petition was allowed on the ground that the parties have arrived at a settlement and the marriage between the first petitioner and the defacto complainant's daughter was declared as a nullity.

4.The learned Additional Public Prosecutor appearing for the first respondent confirmed the fact that the proceedings against the second accused was quashed on the ground that the parties have arrived at a settlement and the marriage was declared as null and void in F.C.O.P. No. 167 of 2019 on the file of the Family Court, Chengalpattu.

5.Though notice has been served on the second respondent, none has entered appearance on her behalf.



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6.This Court finds force in the submission of the learned counsel for the petitioners. The impugned final report does not specifically state as to what is the nature of the mental condition of the first petitioner that was allegedly suppressed by the petitioners. The petitioners cannot therefore be subject to prosecution on the basis of such a vague allegation. In any case, there are absolutely no allegations as against A3 to A8. The defacto complainant's daughter has also filed F.C.O.P. No. 167 of 2019 before the Family Court, Chengalpattu and the Family Court had declared the marriage as null and void. Further, the proceedings against A2 has been quashed by this Court in Crl.O.P No. 2367 of 2021 on the ground that the first petitioner and the defacto complainant's daughter had entered into a compromise and the relevant portion is extracted hereunder;

“5.In the considered view of this Court, when the main dispute between A1 and the daughter of the 2nd respondent has come to an end by virtue of the marriage being declared as a nullity in HMOP No.167 of 2019, by the Family Court, Chengalpet, by judgment dated



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25.10.2019, no useful purpose will be served in keeping this proceedings pending. That apart, it is also seen that the memorandum of understanding between A1, the defacto complainant and her daughter on 18.10.2019 is to the effect that all the cases will be withdrawn.”

7.For all the above reasons, this Court is inclined to quash the impugned final report as against the petitioners.

8.Accordingly, this Criminal Original Petition is allowed by quashing the C.C. No. 94 of 2020 pending on the file of the Judicial Magistrate, Additional Mahila Court, Chengalpattu. Consequently, the connected miscellaneous petition is closed.

06.06.2023

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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To

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1. The Inspector of Police,
AWPS Chengalpattu,
Kanchipuram District.
2. The Judicial Magistrate,
Additional Mahila Court,
Chengalpattu.
3. The Additional Public Prosecutor,
High Court of Madras,
Chennai.

SUNDER MOHAN, J

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Crl.O.P. No.13553 of 2021
and
Crl.M.P. No. 7428 of 2021



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