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[IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.14966 of 2023
and CrI.M.P No.9299 of 2023

1.K.Balakumar
2.Devi
3.K.Indira

Petitioners

vs.

1.The State rep. by its
The Inspector of Police,
All Women Police Station,
SRMC Range, Mangadu,
Chennai – 600 122.

2.Sureka @ Gayathri

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records relating to Crime No.15 of 2018 on the file of Inspector of Police, AWPS, SRMC Range, Mangadu, Chennai – 600 122 and to quash the same.

For Petitioner : Ms.M.Akila

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side) for R1



ORDER

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This petition has been filed to quash the FIR in Crime No.15 of 2018, pending investigation on the file of the 1st respondent.

2.Heard Ms.M.Akila, learned counsel appearing on behalf of the petitioner and Mr.A.Gopinath, learned Government Advocate (Crl. Side) appearing on behalf of the 1st respondent.

3.It is brought to the notice of this Court that the marriage between the 1st petitioner and the 2nd respondent was dissolved by the Sub Court, Poonamallee in HMOP No.662 of 2020, by an order dated 25.03.2021. That apart, the DVC case filed by the 2nd respondent against the 1st and 2nd petitioners was also withdrawn before the XV Metropolitan Magistrate, George Town and it was dismissed as withdrawn on 25.02.2022.

4.It is also brought to the notice of this Court that the 1st petitioner and the 2nd respondent have remarried and are living their lives peacefully.

5.Ms.K.Gracy, Special Sub Inspector of Police, SRMC-AWPS, Chennai,

who was present before this Court also confirmed this fact.



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6. In the light of the above discussion, the continuation of the investigation by the 1st respondent in Crime No.15 of 2018 will only lead to abuse of process of law which requires the interference of this Court under Section 482 of Cr.P.C.

7. In view of the above, FIR in Crime No.15 of 2018, pending investigation on the file of the 1st respondent is hereby quashed.

8. This Criminal Original Petition is allowed in the above terms. Consequently, connected miscellaneous petition is closed.

06.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
SSR

To

1. The Inspector of Police,
All Women Police Station,
SRMC Range, Mangadu,
Chennai – 600 122.



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N. ANAND VENKATESH,, J.

SSI

2.The Public Prosecutor,
High Court of Madras,
Madras.

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