



Crl.O.P.No.23799 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.23799 of 2021
and Crl.M.P.Nos.13101 & 13103 of 2021

P.Mayavan

...Petitioner

Vs.

1. The Inspector of Police,
M-3, Karuveppilankurichi Police Station,
Pennadam Main Road,
Cuddalore District – 606 110.

2. Asalambal

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records and quash the criminal proceedings filed by the first respondent/Complainant in C.C.No.157 of 2018 on the file of the learned Judicial Magistrate Court-II at Virudhachalam, in as much the petitioner is concerned.

For Petitioner : No appearance

For Respondents

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

For R2 : No appearance



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ORDER

This petition has been filed to quash the proceedings in C.C.No.157 of 2018 on the file of the learned Judicial Magistrate Court-II at Virudhachalam, thereby taken cognizance for the offences punishable under Sections 294(b), 325, 342, 506(ii) r/w 109 of IPC, as against the petitioner.

2. The case of the prosecution is that the first accused got married the daughter of the second respondent and he used to beat her wife in drunken mode. They gave birth to four female children as such the first accused wanted to have a male child for which he decided to get marry another woman to give birth to a male child. When it was questioned, the first accused attacked his wife in drunken mode. The second accused is the father of the first accused and he also scolded the first accused's wife with filthy language. Hence, the second respondent lodged complaint as against them. On receipt of the said complaint, the first accused registered FIR in Crime No.22 of 2018 for the offence under Sections 294(b), 323, 342 & 506(2) of IPC. After completion of investigation, they filed final report and the same has been taken



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cognizance by the trial Court in C.C.No.157 of 2018 for the offences punishable under Sections 294(b), 325, 342, 506(ii) r/w 109 of IPC.

3. On perusal of records revealed that there are two accused in which, the petitioner is the second accused. The first accused is none other than his own son. The first accused got married the daughter of the second respondent. Thereafter, they gave birth to four female children. In order to get male child, the first accused beaten his wife and decided to get marry another woman to give birth to a male child. When it was questioned by the second respondent and other family members, the first accused attacked her with wooden log.

4. Insofar as the petitioner is concerned except the relationship viz., father of the first accused, he had nothing to do with the crime as alleged by the prosecution. Even according to the prosecution, he scolded the second respondent's daughter with filthy language. The petitioner and his son were charge sheeted for the offences under Sections 294(b), 325, 342, 506(ii) r/w 109 of IPC. On perusal of entire records, nothing revealed to attract the above offences as against the petitioner. Even as per the statement recorded under Section 161 of



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Cr.P.C., the petitioner scolded the first accused's wife with filthy language. The said allegations are also very vague and bald. Therefore, the petitioner cannot be directed to undergo ordeal of trial for the allegations trivial in nature.

5. In view of the above discussions, the impugned proceeding cannot be sustained as against the petitioner. Accordingly, the proceedings in C.C.No.157 of 2018 on the file of the learned Judicial Magistrate Court-II at Virudhachalam, is hereby quashed as against the petitioner alone. The trial Court is directed to proceed with the case as against the first accused in accordance with law and complete the same, within a period of six months from the date of receipt of a copy of this Order.

6. With the above directions, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

09.11.2023

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To

1. The Judicial Magistrate Court-II,
Virudhachalam.
2. The Inspector of Police,
M-3, Karuveppilankurichi Police Station,
Pennadam Main Road,
Cuddalore District – 606 110.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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