



Crl.O.P.No.22028 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22028 of 2023

and

Crl.M.P.Nos.15258 & 15259 of 2023

1.P.Ravi

2.R.Pavuna

... Petitioners

Vs.

1.The State rep.by
Inspector of Police,
All Women Police Station,
Mettur,
Salem District.
[Crime No.12 of 2022]

2.Vinupriya

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records pertaining to C.C.No.107 of 2023 on the file of Judicial Magistrate II, Mettur and to quash the same as illegal, incompetent and without jurisdiction in so far as the petitioners are concerned by allowing the present Criminal Original Petition.

For Petitioners : Mr.A.M.Esakkiappan

For R1 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



ORDER

This Criminal Original Petition is filed to quash the criminal complaint against these petitioners for the alleged offences under Sections 494, 498 A and 506(i) IPC.

2. The sum and substance of the case is that the defacto complainant Vinupriya was married to one Govindhan, the police constable on 11.11.2016. They are blessed with a male and a female child. The said Govindhan was transferred from Salem Armed Force to Coimbatore Armed Force two years before the incident. There he developed extra marital relationship with one Nithya, married her and served her with child. This fact when known to the first wife Vinupriya, she has lodged the complaint and taken on file by the learned Judicial Magistrate II, Mettur in C.C.No.107 of 2023 against her husband, Govindhan, Ravi, Father-in-law, Pavuna, mother-in-law. According to them, the extra marital relationship and solemnization of second marriage by their son Govindhan was not done with their aid or assistance or connivance. Therefore, the case against them has to be quashed.

3. The prosecution has examined 11 witnesses and recorded their



statements. The 161 Cr.P.C., statement indicates that these two petitioners were aware of the second marriage of their son with Nithya and child birth, for that naming ceremony, these two petitioners attended the function.

4. In the said circumstances, it is not appropriate to scan the 161 Cr.P.C., statement of the witnesses which implicates these petitioners about the knowledge of the second marriage, without subjecting it to examination of the witnesses on oath and arrive at conclusion, which is not in tune with the procedure established in law. Hence this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petitions are also dismissed. The trial Court is hereby directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

17.10.2023

Index : Yes/No
Neutral Citation : Yes/No
rpl

To

1.The Judicial Magistrate II, Mettur

Dr.G.JAYACHANDRAN,J.



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rpl

2.The Inspector of Police,
All Women Police Station,
Mettur,
Salem District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

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