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CrI.O.P.No.32132 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2023

CORAM

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.32132 of 2019

and

CrI.M.P.No.17670 of 2019

1. Gandhi
2. Logammal
3. Senthilkumar @ Samuvel
4. Mariyal
5. Larance
6. Tamilselvi @ Emima
7. Yesudhasan

... Petitioners

Vs.

1. The State represented by
Inspector of police,
All Women Police Station,
Ponneri,
Thiruvallur District.

2. T.Malathy

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to C.C.No.76 of 2015, on the file of Judicial Magistrate-II, Ponneri herein, for offences under Section 417, 493 and 506(ii) IPC and quash the same as devoid of merits and without prima facie case.



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For Petitioners : Mr.R.Sankarasubbu

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

ORDER

This Criminal Original Petition has been filed calling for the records relating to C.C.No.76 of 2015, on the file of Judicial Magistrate-II, Ponneri herein, for offences under Sections 417, 493 and 506(ii) IPC and quash the same.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the first respondent and perused the materials available on record.

3. The case of the prosecution is that the first accused is an Advocate and others are relatives of the first accused. The first accused and the victim used to share their ideas and clear their doubts regarding legal and other fields. This made them to become very close to each other. The victim belongs to Sozhavaram CSI pastorate and the first accused belongs to UPC pastorate. Both are separate sects of different way of praying. Therefore, first accused and



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victim, on 25.12.2007 at CSI church complex in Sholavaram, the duos by exchanging Bible married each other allegedly. Thereafter, the family members of the first accused namely, the other accused compelled the victim to become a member of UPC pastorate, for which the victim refused. This triggered enmity between both the families. On 25.05.2007, upto June 2011, the first accused, being an Advocate knowing fully well that without a marriage is solemnized and registered by the Priest of CSI wing, the marriage is not valid cohabited with victim as if he is her husband and practised deception with malafide intention. Hence, the charge.

4. A perusal of records revealed that insofar as the other accused are concerned, they are relatives of the first accused. Even according to the case of the prosecution, the first accused got married with the victim by exchange of Bible and they lived together as husband and wife for a period of four years. Thereafter, the first accused compelled the victim to become a member of UPC pastorate. When the victim refused to do so, the first accused simply left her in lurch and refused to take her back.



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5. Admittedly, there was no registration of marriage and there was no other proof to show that they got married legally. Therefore, the first accused had committed the offences under Sections 417 and 493 of IPC. When it was questioned by the victim, the first accused, along with other accused, threatened the victim with dire consequences. However, there is no material available for threatening of victim by other family members, viz., A2 to A7.

6. Considering the above facts and circumstances of the case, this Court is inclined to quash the entire proceedings as against A2 to A7. Therefore, the proceedings in C.C.No.76 of 2015, on the file of Judicial Magistrate-II, Ponneri is hereby quashed as against A2 to A7 alone. This Court is not inclined to quash the proceedings in C.C.No.76 of 2015, on the file of Judicial Magistrate-II, Ponneri, as against A1. The Trial Court is directed to complete the trial in C.C.No.76 of 2015, within a period of three months from the date of receipt of a copy of this order.

7. Accordingly, this Criminal Original Petition is partly allowed. Consequently, connected Miscellaneous petition is closed.

03.10.2023

Internet : Yes / No

Index : Yes / No



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Speaking / Non Speaking order
mn

G.K.ILANTHIRAIYAN, J.

mn

To

1. The Judicial Magistrate-II, Ponneri.
2. The Inspector of police,
All Women Police Station,
Ponneri,
Thiruvallur District.
3. The Public Prosecutor,
High Court of Madras.

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