



Crl.O.P.No.6623 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:04.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.6623 of 2024

Smt.Shoba

.. Petitioner

/versus/

Smt.Komathegi

.. Respondent

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records pertaining to the notice issued under Section 91 of Cr.P.C., in Crl.M.P.No.26682 of 2023, dated 19.10.2023 on the file of the Judicial Magistrate Court No.1, Coimbatore and quash the same and allow this Criminal Original Petition in accordance with law.

For Petitioner :Mr.Ayyachamy.P.

For Respondent :Mr.T.Gowthaman, Sr.C. for
Mr.T.Balaji



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ORDER

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The complaint for bigamy against the petitioner herein namely, Shoba, has been filed and in the said process, the application under Section 91 of Cr.P.C, has been filed and proceeded.

2. Tmt.Shoba, D/o Mr.Thomas, is the petitioner herein. She is aggrieved by the notice issued under Section 91 of Cr.P.C calling her to produce the birth certificate of her son, since during the course of examination of the witness, the trial Court has thought fit that the allegation of bigamy has to be considered on perused and examination of the birth certificate of her son.

3. This Court finds that the summons has been issued, when one of the witnesses was examined in Crl.M.P.No.26682 of 2023. The petitioner is aggrieved by this order on two grounds. First, she contends that the summons under Section 91 of Cr.P.C, for production of birth certificate of her son has been issued at the behest of the third party. Second, the learned counsel contend that already this issue was taken cognizance by a Division Bench of the High Court in H.C.P.No.2134 of 2022 and therefore, there cannot be further investigation or enquiry about the birth of her son to the petitioner.



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4. Both the grounds is not only frivolous but an attempt to hide the material facts before the Court, which has called document to find facts and deliver the judgment, based on the materials placed before the Judicial Magistrate No.1, Coimbatore. The contention of the petitioner that this complaint is at the behest of the third party itself is a misleading submission, since the complaint has been filed for bigamy by the former husband of the petitioner through his power agent. The trial Court in the course of the proceedings thought fit that the birth certificate of the petitioner's son is an important document to decide the complaint about bigamy and therefore, directed for production of the document.

5. In fact, the birth certificate has been received, as per the daily status of the case displayed in the Court Portal and the matter is adjourned to 08.05.2024 for recording evidence.

6. To stall the proceedings, the present petition is filed as if the complaint is initiated by the third party and the matter has already been settled by the order passed in H.C.P.No.2134 of 2022. Both the contents are not only false and mislead but, also a clear attempt to sabotage the process of law. Hence, this Court is constrained to dismiss the petition as devoid of merit.



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7. Accordingly, this Criminal Original Petition is dismissed with cost of Rs.10,000/- to be paid by the petitioner to the District Legal Services Authority, at Coimbatore and a copy of the order should be forwarded to the employer of the petitioner herein.

04.04.2024

Index:yes/no
Speaking order/non speaking order
Neutral Citation:yes/no
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To

The Judicial Magistrate Court No.1, Coimbatore.

DR.G.JAYACHANDRAN,J.



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