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Crl.O.P.No.7453 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.7453 of 2022

and

Crl.M.P.Nos.4257 & 4261 of 2022

K.Sritha

... Petitioner

Vs.

K.Kayalvizhi

...Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records in connection with C.C.No.16 of 2021 on the file of the learned Judicial Magistrate, Harur, Dharmapuri District and quash the same.

For Petitioner : Mr.G.Jaisivaramaraj

For Respondent : No representation

ORDER

The petitioner has filed this Criminal Original petitions to quash the proceedings in C.C.No.16 of 2021, pending on the file of the Judicial Magistrate, Harur, Dharmapuri District, in which cognizance was taken for the offence punishable under Sections 494, 495, 496 and 498A of IPC.



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2. The case of the prosecution is that on 26.08.2020, the respondent Kayalvizhi, lodged a private complaint against the petitioner, alleging that that she was married to one Mukesh and that Mukesh had subsequently married the petitioner. In this complaint, the complainant portrayed the petitioner as the second wife of Mukesh. The complaint was registered in C.C.No.16 of 2021 on the docket of the Judicial Magistrate, Harur. In the complaint, complainant's husband was identified as A1.

3. According, to the respondent the petitioner is the wife of Mukesh, and they got married in 2003. They are also close relatives, and they have been no issues between them. However, the respondent alleges that Mukesh began harassing her from 2010 onwards and that he entered into a second married in 2010. An HMOP.No.4440 of 2011 was filed, and the case progressed prima facie in 2016. Subsequently, she filed HMOP No.37 of 2017 against her husband after learning about his second marriage, which was confirmed by the report of the primary health center where he was an officials. On 31.07.2019, she gave birth to two female children. Based on all these allegations, the case was initiated against him. The respondent argues that the petitioner, who is the second respondent, has been falsely



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implicated in this Case and seeks to quash the proceedings. Additionally, it is argued that questioning the marital status in Court is violates the Act. The complaint prima facie indicates that she gave birth to the children on 31.07.2019, as per the medical records and discharged summary particulars. Furthermore, an article report from a private hospital in Salem mentions the father of the child as Mukesh, which was granted through RTI. Considering these circumstances and to prevent a miscarriage of justice, I am not inclined to quash the proceedings in C.C.No.16 of 2021 pending on the docket of the Judicial Magistrate, Harur, Dharmapuri District.

4. Accordingly, this Criminal Original Petition is dismissed and Consequently, the connected miscellaneous petitions are closed.

09.01.2024

Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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