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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.8712 of 2024

1.R.Sowmiyanarayanan
2. Rajamani
3. Lakshmi
4. Amutha (Amirtha Sanjeevi) ... Petitioners

Vs

1. The Inspector of Police
AWPS, Omalur, Salem
Pincode – 636 455

2. Nandhini ... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in CC.No.208 of 2020 pending on the file of the Judicial Magistrate, Omalur, Salem District and quash the proceedings against the petitioners.

For Petitioner : Mr.P.R.Krishnaraj
For Respondents : Mr.KMD.Muhilan for R1
Government Advocate (Crl.Side)
Mr.Balaji Sankaramoorthy for R2

ORDER

Petition is filed to quash the C.C.No.208 of 2020 pending on the file of the Judicial Magistrate, Omalur, Salem District.



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2. The sum and substance of the case is that one R.Sowmiyanarayanan, first petitioner herein got married to Nandhini. Defacto complainant, in the year 2018 (25.04.2018) at Salem. Within few months, there was dispute between them and the Defacto complainant has got separated. While so, without a formal divorce, it appears that the first petitioner herein has entered into another marriage with one Jothi . This has led to registration of a complaint in Cr.No.498 (A) and 494 of IPC and 4 of Dowry Prohibition Act. On completion of investigation, final report filed and the same is taken on file in CC.No.208 of 2020 stating that the said defacto complainant Nandhini, had infact got another divorce order and married another person by name Thiagarajan and they are living separately.

The present complaint has no legs to stand and the petitioners need not be subject to ordeal prosecution. This court, on seeing the consequences of event and the nature of complaint, finds that the police on investigation, has collected sufficient material to frame charges and proceed against the petitioners. The point which is canvassed in the quash petition are to be decided in the trial court in the course of trial.

This court cannot look veracity of those averments which are factual in



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nature. Hence, without making any observation in the merit of the case and final report, quash petition is dismissed on the ground that on the face of the final report and the documents, this is a matter for trial. The trial court shall take note of the fact that the defacto complainant as well as the first accused are now separated and living with their respective spouse. If any delay in completing the trial may cause very hardship to their personal lives. Hence, the trial court shall complete the trial as expeditiously as possible and give quietus to the matter.

02.07.2024

Index: Yes/No

Speaking / Non Speaking order

gv

1. The Inspector of Police
AWPS, Omalur, Salem
Pincode – 636 455

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



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Dr.G.JAYACHANDRAN,J.

gv

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