



CrI.O.P.(MD) No.3873 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.3873 of 2024

and

CRL.M.P (MD) Nos.3073, 3074 and 6954 of 2024

Anusiya

...Petitioner

Vs.

1.The Inspector of Police
AWPS Ramanad Police Station,
Ramanathapuram District.

2.M.Umamahesheswari

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the charge sheet in C.C.No.223 of 2022 on the file of the Additional Mahila Court, Ramanathapuram and quash the same as illegal as far as the petitioner is concerned.



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For Petitioner : Mr.G.Anto Prince

For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl.Side)

For R2 : Mr.Thirunavurkkarasu

ORDER

This criminal original petition has been filed seeking to quash the proceedings in C.C.No.223 of 2022 on the file of the Additional Mahila Court, Ramanathapuram.

2.The petitioner is the second accused in C.C.No.223 of 2022, which is pending on the file of the Additional Mahila Court, Ramanathapuram. The first respondent police has filed a final report as against the first accused for the offence under Sections 417, 494, 294(b), 506(i) IPC and as against the petitioner for the offence under Section 494 IPC.

3.This Court, while entertaining the main petition, has granted interim stay in Crl.M.P(MD)No.3073 of 2024 and the defacto complainant has now



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filed an application in Crl.M.P(MD)No.6954 of 2024 seeking to vacate the interim stay. On the consent of both the parties, today the matter is taken up for final disposal.

4.The learned Counsel appearing for the petitioner submits that the petitioner has been roped in as accused based on the vague statement that the first accused has informed the defacto complainant that he has married the petitioner after informing about the marriage solemnized between the second respondent and the first accused. The learned Counsel appearing for the petitioner has also pointed out that almost the entire prosecution case is relied on the hearsay evidence and without any evidence this case has been foisted. According to the petitioner, she is the victim, since without the knowledge of the first marriage between the second respondent and the first accused, she has married the first accused. However, the respondent police without ascertaining the fact whether the petitioner has married the first accused knowing the fact of the earlier subsisting marriage, has mechanically filed the final report.



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5.The learned Counsel appearing for the second respondent/defacto complainant submits that the petitioner on the very same ground has filed an application before the trial Court in Crl.M.P.No.171 of 2023 and the same was dismissed by order, dated 10.07.2023. As against the same, the petitioner has also filed a revision petition in Crl.R.C.No.34 of 2023, before the learned Principal Sessions Judge, Ramanathapuram and the same was also dismissed on 14.02.2024. Suppressing those materials, this criminal original petition has been filed and interim order has been obtained. He further submits that trial in C.C.No.223 of 2022 has already commenced and the witness P.W.1 was cross-examined and the investigation agency has also collected the birth certificate of the petitioner's child from the first accused, which is also relied by the prosecution in the trial.

6.This Court has considered the rival submissions made.

7.It appears that the petitioner has filed this petition rxto discharge her from the case in Crl.M.P.No.171 of 2023, which was dismissed by order, dated 10.07.2023 and then, the petitioner has filed an revision petition in Crl.R.C.No.34 of 2023, before the learned Principal Sessions



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Judge, Ramanathapuram and the same was also dismissed on 14.02.2024.

However, suppressing the same, this petition has been filed. On this ground alone, this criminal original petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

11.07.2024

NCC : Yes/No
Internet: Yes/No
Index: Yes/No
LR

To

1.The Inspector of Police
AWPS Ramanad Police Station,
Ramanathapuram District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

LR

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