



Crl.O.P.(MD)No.13466 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.13466 of 2022
and Crl.M.P(MD).No.8565 of 2022

Shanmugapriya

... Petitioner/A5

Vs.

N.Meenatchi

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the case in C.C.No.24 of 2022 pending on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District and quash the same as against the petitioner.

For Petitioner : Mr.R.Anand

For Respondents : Mr.S.Manikandan
Government Advocate (Crl.side) for R1 & R2

Mr.R.T.Arivukumar for R3

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.24 of 2022 pending on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District against the petitioner.



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2.The petitioner is arrayed as A5 in C.C.No.24 of 2022. The respondent filed a private complaint under Section 200 Cr.P.C., against the petitioner for the alleged offence under Section 109 of IPC as if the petitioner performed a marriage between the accused 1 and 2. Challenging the same, the present petition is filed.

3.The case of the petitioner is that she is a married woman; after her marriage, she started living in the matrimonial home at Nanguneri whereas the first accused is the brother of the petitioner and the second accused is the second wife of A1; A3 and A4 are the parents of A1 and the petitioner. The allegation against the petitioner is that A1, without getting divorce from the respondent/first wife, had married the second accused in the presence of the petitioner and her parents. Thereby, the petitioner was implicated in the above said offence.

4.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and she was not available in the scene of occurrence and without any material or evidence, the respondent implicated the petitioner as one of the accused along with the other accused. Hence, he prays for allowing this Criminal Original Petition.



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5.The learned counsel for the respondent would submit that all the issues raised before this Court are triable issues and it can be canvassed only at the time of trial and not before this Court under Section 482 of Cr.P.C and hence, he prays for dismissal of this petition. However, he fairly conceded that there is no material available to prove the allegation against the petitioner.

6.Heard the learned counsel on either side and perused the materials available on record.

7.A perusal of the records would go to show that the petitioner is the sister-in-law of the respondent and without getting divorce from the respondent, A1 had married the second accused. At the time of occurrence, the petitioner was not at all available in the scene of occurrence. As rightly pointed out by the learned counsel for the respondent, no materials are available to prove the allegation against the petitioner; so implicating the petitioner in the present case is not a sustainable one. Hence, this Court is inclined to quash the proceedings in C.C.No.24 of 2022, in respect of the petitioner/A5, and accordingly, it is quashed.



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8.In the result, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petition is closed.

14.03.2024

Index : Yes/No

Internet : Yes/No

Sji

To

The Judicial Magistrate, Valliyoor, Tirunelveli District.



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M.DHANDAPANI. J.

Sji

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