



Crl.O.P(MD).No.18714 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.18714 of 2021 and
Crl.M.P(MD).Nos.10367 and 10369 of 2021

1.Justinraj
2.Littus
3.Rajam
4.Raji
5.Edvin

... Petitioners

Vs.

1.State rep. by
the Inspector of Police,
AWPS – Kuzhithurai,
Kanniyakumari.
(Crime No.3 of 2018)

2.Sajitha

... Respondents

PRAYER:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to C.C.No.495 of 2019 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari District, against the petitioners herein and quash the same.

For Petitioners : Mr.S. Niranjan S. Kumar

For respondent No.1 : Mr. K. Sanjai Gandhi

Government Advocate (Crl. Side)

For respondent No.2 : Mr.G. Ramanathan



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ORDER

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This Criminal Original Petition has been filed to call for the records pertaining to the case in C.C.No.495 of 2019 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari District and quash the same as against the petitioners herein.

2. The case of the prosecution is that as per the direction given by the learned Judicial Magistrate No.I, Kuzhithurai, the 1st respondent police registered the FIR in Crime No.3 of 2018 against the petitioners herein for the offences under Sections 498(A), 420, 406, 506(ii) IPC and 3(i), 4 and 6 of Dowry Prohibition Act and thereafter, the same was charge sheeted in C.C.No.495 of 2019 pending on the file of the learned Judicial Magistrate No.I, Kuzhithurai. In such circumstances, the petitioners herein have filed the present petition to quash the proceedings in C.C.No.495 of 2019 on the file of the learned Judicial Magistrate No.I, Kuzhithurai.

3. Today, when the matter was taken up for hearing, the learned counsel appearing for the 2nd respondent submitted that after getting the divorce decree, the 2nd respondent remarried another person



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and hence, she has no objection to allow this petition. He has also stated the said fact in the counter affidavit filed by him. The relevant paragraph No.4 of the said counter affidavit reads as follows:

“4. I submit that after the divorce decree, I remarried one C.Sudharsan on 11.05.2019. Now I am living with him. Now, I have no grievance against the petitioners herein. Hence, I have no objection to allow the quash petition pertaining to C.C.No.450 of 2019, on the file of the Learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District.”

4. In view of the same, this Criminal Original Petition stands allowed and the entire proceedings in C.C.No.495 of 2019 pending on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari District, is hereby quashed in respect of the petitioners alone. Consequently, the connected Miscellaneous Petitions are closed.

05.04.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp



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To

1. The learned Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari District.
2. The Inspector of Police,
AWPS – Kuzhithurai,
Kanniyakumari.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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A.A.NAKKIRAN, J.

Trp

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