



CRL OP(MD). No.18244 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

Date : 17.12.2024

CORAM

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.18244 of 2022
and CrI.M.P(MD) Nos.12174 & 12175 of 2022

1. Balasubramanian
2. Shanthi
3. Venkateshan
4. Parameshwari @ Latha

... Petitioners

Vs

1. The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District. Cr.No.454/2021.
2. Balaji

... Respondents

PRAYER :-

Petition filed under 482 of Cr.P.C., to call for the records relating to the impugned charge sheet in C.C.No.159/2022 on the file of Judicial Magistrate Court, Ambasamudran and quash the same.



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CRL OP(MD). No.18244 of 2022

For Petitioners : Mr.M.Saravanan

For Respondent : Mr.B.Thanga Aravindh(R1)
Government Advocate (Crl.Side)
Mr.Dhana Aravindha Balaji (R2)

ORDER

This Criminal Original Petition has been filed challenging the proceedings pending in C.C.No.159 of 2022 on the file of Judicial Magistrate, Ambasamuthiram.

2.The second respondent married the daughter of the first petitioner in the year 2021. There was difference of opinion and there was a matrimonial dispute. On 07.11.2021, at about 12.15 p.m., A1 is said to have come to the house of the second respondent and abused him in filthy language and also assaulted him. The other accused persons also joined with A1 and abused the second respondent and his parents and also threatened them with dire consequences. Based on the complaint given by the second respondent, an FIR came to be registered in Crime No. 454 of 2021.



CRL OP(MD). No.18244 of 2022

3.On completion of investigation, the police report was filed before the Court below and taken on file as CC No.159 of 2022 for the offence under Sections 294(b), 354, 323, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

4.When the matter was taken up for hearing on 11.12.2024, this Court heard the learned counsel appearing on either side and passed the following order:

“The learned counsel for the petitioner and the learned counsel for the second respondent shall take instructions as to whether the second respondent and the daughter of the first and second petitioners are intending to join together and proceed further with their matrimonial life. In the alternative, if the marriage has irretrievably broken down, they shall also state as to whether they want to get this marriage dissolved by mutual consent. Either way, a permanent solutions can be arrived at and the criminal proceedings can be closed.

2.Post this case on 17.12.2024.”



CRL OP(MD). No.18244 of 2022

5. When the matter was taken up for hearing today, the learned counsel for the petitioner and the learned counsel appearing on behalf of the second respondent submitted that the second respondent and the daughter of the first petitioner are agreeable for divorce by mutual consent, since their marriage has irretrievably broken down. However, the problem seems to be coming from the in-laws, who are asking for settlement towards the marriage expenses. If the second respondent and the first petitioner's daughter, who is the wife of the second respondent, want to part their ways amicably, the demands that are made by others become irrelevant. For this to happen, the pending criminal proceedings will prove to be a hindrance. Therefore, this Court is inclined to interfere with the proceedings that are pending against the petitioners.

6. It is made clear that the proceedings are interfered by this Court in exercise of its jurisdiction under Section 482 of CRPC, keeping in mind the interest of the first petitioner's daughter and the second respondent who want to part ways and start a new life. Hence, steps have been taken by them to file a mutual consent divorce petition and



CRL OP(MD). No.18244 of 2022

seek for dissolution of marriage.

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7.In the result, the proceedings in C.C.No.159/2022, on the file of Judicial Magistrate Court, Ambasamudran is hereby quashed and this Criminal Original Petition stands allowed in the above terms. Consequently, connected miscellaneous petitions are closed.

8.Post this case under the caption 'for reporting compliance' on 27.01.2025.

17.12.2024

PNM

TO

1. The Judicial Magistrate, Ambasamuthiram.
2. The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District. Cr.No.454/2021.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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CRL OP(MD). No.18244 of 2022

N.ANAND VENKATESH,J

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