



CRL MP(MD)No.13412/2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Seventeenth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.M.P.(MD)Nos.13412, 13413, 13431 and 13432 of 2024
in

Crl.O.P.(MD)Nos.21657, 21682 and 21683 of 2024

ATHI ILAVARASAN

... PETITIONER/PETITIONER
IN CRL MP(MD)No.13412 & 13413/2024

1.ATHIL ILAVARASAN

2.ALAGUMUTHU

...PETITIONERS/PETITIONERS/
IN CRL MP(MD)No.13431/2024

...PETITIONERS/ ACCUSED 1 & 2
IN CRL MP(MD)No.13432/2024

Vs

1 THE STATE OF TAMIL NADU
REP. BY THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI.

2 MURALI

... RESPONDENTS/RESPONDENTS
IN CRL MP(MD)No.13412 & 13413/2024

1.THE SUB INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI.



CRL MP(MD)No.13412/2024

2.MURALI
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...RESPONDENTS/RESPONDENTS
IN CRL MP(MD)No.13431/2024

1 THE STATE OF TAMIL NADU
REP. BY THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI.

...1ST RESPONDENT/COMPLAINANT
IN CRL MP(MD)No.13432/2024

2 MURALI

...2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL MP(MD)No.13432/2024

Prayer in CRL MP(MD)No.13412/2024:

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Stay all further proceedings in C.C.No. 713 of 2023 on the file of the Judicial Magistrate No.I, Sivagangai pending disposal of this quash petition.

Prayer in CRL MP(MD). 13413/ 2024 :

To dispense with the personal appearance of the petitioner in the above C.C.No. 713 of 2023 on the file of the Learned Judicial Magistrate No.I, Sivagangai pending disposal of this quash petition.

Prayer in CRL OP(MD). 21657/ 2024 :

To call for the records and quash the proceedings in C.C.No. 713 of 2023 on the file of the Learned Judicial Magistrate No.I, Sivagangai against the petitioner and thus render justice.

Prayer in CRL MP(MD). 13431/ 2024 :

To Stay all further proceedings in Crime No. 56/2024 on the file of the Sub-Inspector of Police, Sivagangai Town Police Station, Sivagangai.pending disposal of the above mentioned Crl.OP(MD) No. of 2024 and pass all such further or other orders.

Prayer in CRL OP(MD). 21682/ 2024 :

To call for the records and quash the First Information Report in Crime No. 56/2024 on the file of the Sub-Inspector of Police, Sivagangai Town Police Station, Sivagangai as against the petitioners and thus render justice.



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Prayer in CRL MP(MD). 13432/ 2024 :

To stay all further proceedings in Crime No.535/2023 on the file of the Sub Inspector of Police, Sivagangai Town Police Station, at Sivagangai pending disposal of the above mentioned Crl OP(MD) No. Of 2024.

Prayer in CRL OP(MD). 21683/ 2024 :

To call for the records and quash the First Information Report in Crime No.535/2023 on the file of the Sub Inspector of Police, Sivagangai Town Police Station, Sivagangai as against the petitioners and thus render justice.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.A.NAGARAJAN, Advocate for M/S.ANANDHAMURTHY.V, Advocate for the petitioner in all cases and of Mr.K.Sanjai Gandhi, Government Advocate on behalf of the Respondent No.1 in all cases , while admitting the Criminal Original Petitions, the court made the following order:-

Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal side) takes notice for the first respondent in Crl.O.P.(MD)Nos.21657 and 21683 of 2024 and the respondents in Crl.O.P.(MD)No.21682 of 2024.

2. Notice to the second respondent in Crl.O.P.(MD)Nos.21657 and 21683 of 2024 returnable by 28.01.2025. Private notice is also permitted.

3. The petitioner (Athi Ilavarasan), who is accused in Crime No.330 of 2022, based on the complaint lodged by one Murali, which has culminated in C.C.No.713 of



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2023, on the file of the Judicial Magistrate Court No.I, Sivagangai, for offences under Sections 341, 294(b), 323, and 506(ii) of the I.P.C., has filed Crl.O.P.(MD)No.21657 of 2024, seeking to quash the proceedings in the said C.C. Number.

4. The petitioners (Athi Ilavarasan and his mother Alagumuthu), who are arrayed as A1 and A2 in Crime No.56 of 2024, based on the complaint lodged by one Kaviyarasu, Head Constable, for the offence under Section 229-A of the I.P.C., have filed Crl.O.P.(MD)No.21682 of 2024, seeking to quash the proceedings in the said crime number.

5. The petitioners (Athi Ilavarasan and his mother Alagumuthu), who are arrayed as A1 and A2 in Crime No.535 of 2023, based on the complaint lodged by one Murali, for offences under Sections 294(b), 341, 324, and 506(ii) of the I.P.C., have filed Crl.O.P.(MD)No.21683 of 2024, seeking to quash the proceedings in the said crime number.

6. The brief facts of the case are that Athi Ilavarasan has two elder brothers, Balasubramanian and Karthikeyan. Balasubramanian married Keerthana in 2015, and Karthikeyan married Archana in 2019. Keerthana and Archana are the daughters of



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the de-facto complainant, Murali. After the marriage, there were matrimonial discords between Balasubramanian and Keerthana. Keerthana filed a petition for restitution of conjugal rights, and Balasubramanian filed for a divorce, which was granted. Since then, there has been some discontent within the family. In fact, the petitioner (Athi Ilavarasan) was advised to marry Keerthana, which he refused, and thereafter, family harmony deteriorated.

7. The learned counsel for the petitioners submitted that earlier, the said Moorthi had lodged a complaint against Balasubramanian on 13.08.2022, and a case in C.S.R.No.1260 of 2022 was assigned. In the same set of facts, another complaint was registered against the petitioner (Athi Ilavarasan) in C.S.R.No.1261 of 2022, which culminated in Crime No.330 of 2022, and later charge-sheeted in C.C.No.713 of 2023.

8. The learned counsel for the petitioners further submitted that C.S.R.Nos.1260 and 1261 of 2022 are materially the same, except for the names of the aggressors, Balasubramanian and Athi Ilavarasan. Moreover, in the complaint, one Muthusamy was shown as the eyewitness to the occurrence, but in the 161 Cr.P.C. statement, the eyewitness was changed to one Gandhi. The petitioner (Athi Ilavarasan) is being targeted because he is a technocrat, employed in Singapore. After the registration of



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the case in Crime No.535 of 2023, the petitioner (Athi Ilavarasan) filed a petition for anticipatory bail in Cr.M.P.No.4754 of 2023 before the Principal Sessions Court, Sivagangai, and the learned Principal Sessions Judge, Sivagangai, granted anticipatory bail to the petitioners and two others with certain conditions. The petitioner (Athi Ilavarasan) came to India on 17.10.2023 for his marriage, which was scheduled for 20.10.2023. On coming to know about his presence in India, the aggressors, namely Karthikeyan, Murali, Raman, and Lakshmanan, assaulted the petitioner (Athi Ilavarasan) and his mother, Alagumuthu (the second petitioner in Crl.O.P.(MD)Nos.21682 and 21683 of 2024), for which a complaint was lodged, and a case in Crime No.534 of 2023 was registered on 16.10.2023 against the aforementioned four persons for offences under Sections 294(b), 323, 324, and 506(ii) of the I.P.C. and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. The petitioner (Athi Ilavarasan) was taking treatment in the hospital. Thereafter, the counter-petitioner in Crime No.534 of 2023, namely, Murali lodged a false complaint, which led to the registration of a case in Crime No.535 of 2023 on 17.10.2023 for offences under Sections 294(b), 341, 324, and 506(ii) of the I.P.C.

9. The learned counsel for the petitioners further submitted that the petitioner (Athi Ilavarasan) had to visit Singapore after his marriage to continue his employment permit. Thus, after obtaining anticipatory bail, he executed the bond and



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sureties, but was unable to comply with the other conditions, resulting in a case being registered in Crime No.56 of 2024 for the offence under Section 229-A of the I.P.C. on 23.01.2024.

10. The learned counsel for the petitioners further submitted that Section 229-A of the I.P.C. would not apply in this case, as it is not the case that the petitioners violated any bond condition or failed to appear before the Court. At most, it can be said that the petitioners did not comply with the conditions of anticipatory bail, and thus, registering the case in Crime No.56 of 2024 for the offence under Section 229-A of the I.P.C. is not justified.

11. The learned counsel further submitted that regarding Crime Nos.534 and 535 of 2023, they are the case and case in counter, and the entire case has been foisted against the petitioners to ensure that the petitioner (Athi Ilavarasan) does not return to Singapore to continue his employment. The petitioner's (Athi Ilavarasan) passport is set to expire in November, 2025. One of the accused in Crime No.534 of 2023 filed a Writ Petition in W.P.(MD)No.19563 of 2024 before this Court, requesting communication with the Foreign Regional Registration Officer (FRRO) to open a Look Out Circular (LOC) against the petitioner (Athi Ilavarasan) in connection with the cases registered in Crime Nos.535 of 2023 and 56 of 2024. The said Writ Petition came up for hearing on 16.08.2024, but it has not been listed thereafter. Such is the

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animosity, to wreak vengeance, a false case has been registered against the petitioners.

12. The learned Government Advocate (Criminal side) submitted that with regard to Crime Nos.534 and 535 of 2023, the investigation has been completed, and charge sheets have been filed before the Judicial Magistrate Court No.I, Sivagangai, through the e-filing mode.

13. Finding merit in the above submissions, this Court is inclined to pass the following orders:-

(i) There shall be an order of interim stay of all further proceedings in C.C.No.713 of 2023, on the file of the Judicial Magistrate Court No.I, Sivagangai.

(ii) There shall be an order of interim stay of all further proceedings in Crime No.56 of 2024, on the file of the respondent Police.

(iii) The learned Judicial Magistrate No.I, Sivagangai, is directed not to proceed further with the e-filed charge sheets.

(iv) The personal appearance of the petitioners is dispensed with.

sd/-
17/12/2024

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18/12/2024
Sub-Assistant Registrar (CS-I / II / III/ IV)
Madurai Bench of Madras High Court,



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Madurai - 625 023.

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TO

1.THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3.THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI.

4.THE SUB INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.ANANDHAMURTHY, Advocate (SR-15596[I] dated 18/12/2024)

ORDER

IN

Crl.M.P.(MD)Nos.13412, 13413, 13431 and 13432 of 2024

in

Crl.O.P.(MD)Nos.21657, 21682 and 21683 of 2024

Date :17/12/2024

RK (18/12/2024) 9P / 7C

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