



CRL MP(MD) NO. 13700 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07-01-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP(MD) NO. 13700 of 2024
in
CRL OP(MD) NO. 22120 of 2024

S.Kamakshinathan
W/o. M. Subbiah, No. 152,
East 5th Cross Street, South Balabackya Nagar,
Madurai Road, Tirunelveli- 627 001.
and 2 Others

...Petitioner

Vs

The State of Tamilnadu
Rep. by The Inspector of Police,
All Women Police Station-Town, Tirunelveli City,
Tirunelveli District. Crime No. 15/2023.
and another

...Respondents

For Petitioners:

Mr.N.Dilip Kumar, Advocate
for Mr.J.Shenbagalingam, Advocate

For Respondent:

Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor for R1



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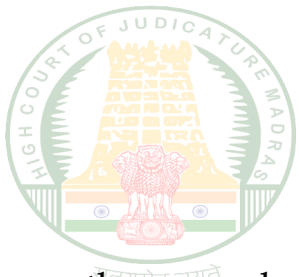
ORDER

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The petitioners, who are A1 to A3 and are facing trial in C.C.No.1306 of 2024 for offences punishable under Sections 406, 494, 498(A), 506(i) of the IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, have filed this Criminal Miscellaneous Petition seeking a stay.

2. This case came up for hearing on 18.12.2024. Notice was ordered to be issued to the second respondent/defacto complainant, and court notice is awaited. The private notice sent to the second respondent/defacto complainant has been returned with an endorsement 'refused.' An affidavit of service has been filed by the learned counsel for the petitioners.

3. The contention of the petitioners is that the case before the trial court is posted for trial tomorrow. The case projected against the petitioners is that the first petitioner had already married one R.Aishwarya on 22.05.2015 and later obtained a divorce in H.M.O.P.No.1232 of 2020 from the Additional Principal Family Court, Coimbatore, on 27.01.2021. After the divorce, the first petitioner married the second respondent/defacto complainant on 13.12.2021. Thereafter, the first petitioner went to the USA on 31.01.2022, and the second respondent/defacto complainant, along with



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the second and third petitioners, also went to the USA on 23.05.2022. Later, the second and third petitioners returned to India on 29.10.2022.

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4. The second respondent/defacto complainant lodged a complaint with the law enforcement authorities in USA. The first petitioner was arrested on 06.12.2022. Thereafter, the Washington Court passed the judgment and decree against the first petitioner in the case on 02.06.2023.

5. The second respondent/defacto complainant returned to India on 20.06.2023 and attempted to enter the petitioners' house on 05.07.2023, which was resisted by the second and third petitioners. The second and third petitioners called the police for help. On 06.07.2023, the second and third petitioners gave a statement before the first respondent police to take suitable action against the second respondent. On 26.07.2023, the second petitioner also lodged a complaint with the Commissioner of Police, Tirunelveli. Subsequently, the second respondent/defacto complainant lodged the present complaint, which was registered as Crime No.15 of 2023. The Investigation Officer failed to consider the fact that the entire incident had taken place in USA, for which the first petitioner had been penalized, which would amount to a violation of Article 20(2) of the Constitution of India and Section 300 of the Cr.P.C.



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6. In view of the above, I am inclined to stay the proceedings. Therefore, there shall be an order of stay.

sd/-
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/01/2025

Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

JEN

TO

1. THE JUDICIAL MAGISTRATE NO.IV, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION-TOWN,
TIRUNELVELI CITY,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.J.SHENBAGALINGAM, Advocate (SR-194[I] dated 08/01/2025)



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ORDER
IN
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in
CRL OP(MD) NO. 22120 of 2024
Date :07/01/2025

RK/VR (20/01/2025) 5P / 6C

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