

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 03.06.2015

DELIVERED ON : 10.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.13339 of 2015 and M.P.Nos.1 and 2 of 2015

1.P.Jeyaseelan
2.Gnanambal
3.P.Sekaran
4.Usha

...Petitioners/Accused

Vs

1.The State
rep by the Inspector of Police
All Women Police Station
Alanthur
Chennai 600 041.

...Ist Respondent/Complainant

2.B.Kalaiyarasi .. 2nd Respondent/Defacto Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the proceedings in C.C.No.484 of 2005, pending on the file of the Judicial Magistrate, Court, Alandur, Chennai, quash the same.

For Petitioners : Mr.N.Rajan

For R1 : Mr.C.Emalias

Additional Public Prosecutor

ORDER

The petitioner seeks to quash the Final Report in C.C.No.484 of 2005 on various grounds.

2. When the case was taken up for hearing, learned Additional Public Prosecutor represented that the trial in this case has begun and that three witnesses were examined and cross examined by the defence. Apart from that, P.W.4, P.W.5 and P.W.6 were examined in chief by the prosecution and the case is posted to 25.06.2015 for cross examination of witnesses. Thus, when the trial is half-way, it is not desirable for this Court to quash the charge sheet. The learned counsel relied upon the judgment of the Supreme Court in Kamlesh Kumar v. State of Bihar and another [2014(1) CTC 329] for the proposition that, it is not a hard and fast rule that once trial is commenced, proceedings cannot be quashed. This Court has no quarrel with the proposition laid down in the aforesaid judgment. That was a case arising out of Section 138 of Negotiable Instruments Act, and the Supreme Court held that, where the

maintainability of the complaint is under challenge, the rule that, quash petition should not be entertained if witnesses are examined, should not be pressed into service. In that case, the Hon'ble Supreme Court on going through the complaint found that, even from the averments in the complaint, the impugned cheque was presented for the second time and the statutory notice was issued much after the period of limitation. Under such circumstances, the Hon'ble Supreme Court thought it fit to interfere and quash the proceedings.

3. In this case, the allegations against the petitioners are that they subjected the defacto complainant to untold cruelty and demanded dowry. Hence, charges for offences under Sections 498-A, 494, 406 and 506(2) IPC and Section 4 of the Dowry Prohibition Act was framed by the trial Court and witnesses have been examined. Under such circumstances, this Court will not interfere for quashing the prosecution and accordingly, this petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Inspector of Police
All Women Police Station
Alanthur
Chennai 600 041.

2.The Judicial Magistrate,
Alandur, Chennai

3.The Public Prosecutor,
High Court, Madras.

1 cc to M/s.N.Rajan , Advocate Sr.No.28010

Cr1.OP No.13339 of 2015

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pmk.29.6.2015