

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2015

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.21834 of 2015
and M.P.Nos.1 & 2 of 2015

1.Sikandar Basha
2.Fathima Beevi
3.Fazila
4.Riazudeen

... Petitioners

Vs.

1.The Inspector of Police,
W-1, All Women Police Station,
Thousand Lights,
Chennai - 600 006.
(Crime No.2 of 2013)

2.Basheela Banu

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Cr.P.C., praying to call for the records in C.C.No.8250/2013 pending before the XIV Metropolitan Magistrate Court, Egmore, Chennai and quash the proceedings.

For Petitioners : Ms.N.Alamelu Mangai

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

सत्यमेव जयते

O R D E R

This Criminal Original Petition has been filed praying to quash the proceedings in C.C.No.8250/2013 on the file of the XIV Metropolitan Magistrate Court, Egmore, Chennai.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondents.

3. It is seen that after completing the investigation in Crime No.2 of 2013, the respondent Police filed a final report against six persons, but whereas the learned Magistrate, after completely going through the final report and accompanying documents,

had taken the case on file only against four accused and has not issued process against A5 and A6, on the ground that, there are no materials against them. This itself shows that the learned Magistrate has applied his mind on the final report and accompanying documents and acted in accordance with law. Now, the accused 1 to 4 are before this Court for quashing the final report.

4. On a reading of the final report, it is seen that there are sufficient materials against the petitioners/A1 to A4 for the prosecution to proceed with, for example, it is specifically averred by the defacto-complainant that on 16.05.2012, she was brought from Madurai and left in the house of A1 to A4 by her mother. While so, on 24.05.2013, A1 to A4 locked her up in a room and did not provide food for her. Therefore, she had escaped from them and went to Madurai. Similarly, there are other allegations in the statement of the defacto-complainant, which requires to be examined only in the Trial. The Trial Court is directed to expedite the trial.

5. The learned counsel for the petitioner seeks permission for dispensing with the personal appearance of the accused. It is seen that the accused A2 and A3 are ladies. Accepting the submissions, this Court directs that the petitioners shall appear before the Trial Court for receiving the papers under Section 207 Cr.P.C., for answering charges and for questioning under Section 313 Cr.P.C., and on the date of judgment. For the other hearings, if a petition is filed before the trial court for exempting their appearance and on an undertaking that, their counsel will cross-examine the witnesses without insisting for their presence and that they will not dispute the identity, then the Trial Court is directed to liberally consider the same.

6. In the result, this Criminal Original Petition is devoid of merits and hence dismissed. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Asst.Registrar (CO)

/true copy/

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Sub Asst. Registrar

ds

To:

1.The XIV Metropolitan Magistrate Court,
Egmore, Chennai.

2. -do-Thro' The Chief Judicial Magistrate,
Egmore, Chennai.

3.The Inspector of Police,
W-1, All Women Police Station,
Thousand Lights,
Chennai - 600 006.

4.The Public Prosecutor,
High Court, Madras.

+1 cc to Mrs.Alamelumangai, Advocate, sr.46811.

CrI.O.P.No.21834 of 2015

gj co
kra 22/09



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