

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26-10-2015

Coram

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.25246 of 2015

M.P.Nos.1 & 2 of 2015

1. Selvaraj
2. P. Ayinu
3. Nagavalli
4. Meenakshi ..Petitioners/Accused A1&A4

Vs.

1. Inspector of Police,
W-27, All Women Police Station,
Vadapalani,
Chennai - 600 026. ..Respondent
2. B. Sankari ..Respondents/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. with a prayer to call for the records and quash the final report filed by the first respondent in C.C.No.982 of 2014 on the file of the XVII Metropolitan Magistrate Court, Saidapet, Chennai, inasmuch as the petitioners are concerned.

For Petitioners: Mr.A.Selvaraj
For Respondents: Mr.C.Emalias
Additional Public Prosecutor
for R1

ORDER

On a complaint lodged by B.Sankari, the first respondent Police registered a case in Cr.No.24 of 2012 and after completing the investigation, have filed final report in C.C.No.982 of 2014 on the file of XVII Metropolitan Magistrate, Saidapet, Chennai, under Sections 498(A) and 406 of I.P.C. against four accused, challenging which the accused are before this Court to quash the prosecution.

2. When the case was taken up for hearing, learned Additional Public Prosecutor submitted that out of the five witnesses cited in the memo of evidence, the Trial Court has already examined three witnesses.

3. In such circumstances, it may not be proper for this Court to entertain this quash petition as the trial has already commenced in the trial Court. Consequently, this

petition is dismissed with liberty to the petitioners to raise all the points before the trial Court. Connected miscellaneous petitions are closed.

4. At this juncture, Mr.A.Selvaraj, learned counsel for the petitioners submitted that Nagavalli (A3), residing at Villupuram and Meenakshi (A4), residing at Puducherry, are Mother and Sister of Selvaraj (A-1)/first petitioner herein and their presence before the trial Court may be dispensed with. In view of the said submission, Nagavalli (A3)/3rd petitioner herein and Meenakshi (A4)/4th petitioner herein are directed to appear before the trial Court for questioning under Section 313 Cr.P.C., and on the date of judgment. For all other hearing dates, their presence before the trial Court is dispensed with on condition that they shall submit an undertaking before the trial Court stating that their Counsel will cross-examine the witnesses in their absence, and that, they will not adopt any dilatory tactics to delay the proceedings.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vr
To

1. The XVII Metropolitan Magistrate, Saidapet, Chennai.
2. -do- Throguh The Chief Metropolitan, Magistrate, Egmore, Chennai-8.
3. The Inspector of Police, W-27, All Women Police Station, Vadapalani, Chennai - 600 026.
4. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.A. Selvaraj, Advocate Sr.58233

Cr1.O.P.No.25246 of 2015

SCD(CO)
Eu 5.11.15