

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29650 of 2013

and

M.P.No.1 of 2013

1. Afzal Kabur
 2. Raj Kabur
 3. Hyruneesa Kabur
- Petitioners/A1 to A3

Vs

1. The Inspector of Police,
All Women Police Station,
Palladam, Tiruppur District.
Cr. No.18 of 2012.
2. Dr.G.M.K.Barkath Begam. Respondents/Complainant.

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to C.C.No.137 of 2013, on the file of the Judicial Magistrate, Palladam, Tiruppur district and quash the same.

For Petitioners : Mr.S.Thilak Pasumbadiyar

For respondent no.1 : Mr. C.Emalias,
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed to call for the records in C.C.No.137 of 2013, on the file of the Judicial Magistrate, Palladam, Tiruppur district and quash the same.

2. The allegation against the petitioners is that the petitioners have suppressed the marriage of A1/first petitioner with one K.A.Fathimuthu Sahara. The first petitioner is the husband and 2nd and 3rd petitioners are father in law and mother in law of the 2nd respondent. On the complaint lodged by the second respondent, a case has been registered in Crime No.18 of 2012 for the alleged offences under Sections 498(A), 406, 120 (b), 420, 506(i) and Section 4 of TNPWH Act. On completion of investigation, charge sheet has been filed by the first

respondent and the case is pending in C.C.No.137 of 2015 before the Judicial Magistrate, Palladam, Tiruppur. To quash the same, the present criminal original petition has been filed.

3. Though notice was served on the second respondent and her name was printed in the cause list, she has not chosen to appear before this court either in person or through counsel. The learned counsel for the petitioners submitted that the second respondent after receiving the Thaluk intimation and after getting back the marriage gift of gold and other articles has filed the present complaint to wreak vengeance against the petitioners. It is further submitted that the second respondent has married another person and settled with him.

4. The learned Additional Public Prosecutor submitted that the trial is in progress in this case and thus opposed for quashing the case in C.C.No.17 of 2013.

5. In view of the submissions made on either side, as the trial is in progress in this case, this petition is dismissed. However, the Judicial Magistrate, Palladam, is directed to expedite the trial in C.C.No.137 of 2013 and complete the same as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this Order. Consequently, connected miscellaneous petition is closed.

mrp

s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate,
Palladam, Tirupur District.
2. The Inspector of Police,
All Women Police Station,
Palladam, Tiruppur District.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.O.S.Thilak Pasumbadiyar, Advocate SR 68864

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