



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2015

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Cr1.O.P.(MD)No.14021 of 2015
and M.P(MD)Nos.1 & 2 of 20151.Vijay Karthick
2.Hariharan
3.Selvi

... Petitioners

Vs.

1.State rep. Through,
The Sub-Inspector of Police,
All Women Police Station,
Madurai South, Madurai.
Crime No.03/2015.

2.V.Keerthana

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 to call for records relating to C.C.No.46 of 2015 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai and quash the same as illegal in so far as the petitioners are concerned and pass such further or other orders.

For Petitioners
For R - 1: Mr.K.Murali Sankar
: Mr.K.Anbarasan
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed to call for records relating to C.C.No.46 of 2015 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai and quash the same as illegal in so far as the petitioners are concerned.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the first respondent.

3. The first petitioner is the husband of the respondent No.2 and the petitioners 2 and 3 are the in-laws.

4. The allegation levelled against the petitioners is that the first petitioner was not capable of consummating the marriage. On questioning, the petitioners 2 and 3 harassed the respondent No.2. The allegation also shows dowry demand.



5. The learned counsel appearing for the petitioners submitted that the first petitioner was merely suffering from illness.

6. This Court is of the opinion that the submission made by the learned counsel for the petitioners cannot be a ground to quash the proceedings. The question, as to whether the allegations made against the petitioners are true or not, is a matter for trial. Therefore, this Court is not inclined to entertain this Criminal Original Petition.

7. Accordingly, this Criminal Original Petition is dismissed. However, personal appearance of the petitioners is dispensed with before the trial Court, unless and until it is specifically required by the said Court. It is made clear that all the issues are left open to the trial Court to decide the same. Having taken into consideration the facts and circumstances, the learned Judicial Magistrate, Additional Mahila Court, Madurai, is directed to dispose of the case in C.C.No.46 of 2015 within a period of nine months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub-Assistant Registrar

To

1.The Judicial Magistrate,
Additional Mahila Court,
Madurai.

2.The Sub-Inspector of Police,
All Women Police Station,
Madurai South, Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+4CC to Mr.K.Muralisankar, Advocate, SR No.41427

Cr1.O.P. (MD) No.14021 of 2015
23.07.2015

ps

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