



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.9851 of 2015

and

MP(MD)No.1 of 2015

WEB COPY

Obeth

... Petitioner / Accused

Vs.

1.The Inspector of Police,
All Women Police Station,
Kulithurai, Kanyakumari District.

2.Selvarani

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C No.38 of 2014 on the file of the Judicial Magistrate, Padmanabhapuram and quash the same.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondents : Mr.A.Robinson,

Government Advocate (crl.side) for R1

Mr.S.C.Herold Sing for R2

ORDER

The petitioner is facing trial in C.C No.38 of 2014 on the file of the Judicial Magistrate, Padmanabhapuram for the offences under Sections 498 A and 294 (b) IPC. The second respondent is the defacto complainant. She is the mother in law of the petitioner herein. The marriage between the petitioner and the daughter of the complainant took place on 15.09.2011. No child was born. After the petitioner filed IDOP No.401 of 2012 for dissolving the marriage, Crime No.25 of 2013 on the file of the All Women Police Station, Kulithurai came to be registered.

2.The learned counsel for the petitioner would contend that the case on hand deserves to be quashed as it was only a counter blast. The petitioner's counsel relied on very many materials. I am of the view that these materials cannot be looked into while entertaining a petition under Section 482 of Cr.PC. I went through the statement of the daughter of the defacto complainant. The defacto complainant had stated that the petitioner herein demanded dowry. When she refused, the petitioner herein threatened to divorce the daughter of the defacto complainant. It is further stated that the petitioner demanded a sum of Rs.5.00 lakhs as



additional dowry. These averments prima facie indicate the commission of the offence of 498 A IPC.

3.The petitioner may have an excellent defence. But then, that will have to be necessarily established only in a regular trial. The grounds urged by the petitioner are not sufficient for quashing the impugned proceedings. In this view of the matter, this petition is dismissed. It is made clear that all the defences of the petitioner are left open. The observations made in this order are only for the purpose of disposing of this petition and it will not have any bearing on the trial.

4.The petitioner's counsel states that the first petitioner employed in Singapore and that it will cause great hardship to him if he is directed to appear on all hearing dates. Considering the nature of employment of the petitioner, his personal appearance before the court below is dispensed with. The petitioner can very well be in Singapore and defend the proceedings through his counsel. Of course, he will have to appear only at the time of examination under Section 313 of Cr.Pc and again at the time of pronouncement of judgment. The petitioner's counsel who represents him before the trial court can answer the charge also. On all other occasions, the petitioner will be represented through his counsel. This indulgence is shown to the petitioner by recording his undertaking that on all other hearing dates, the petitioner's counsel will represent him. If the counsel is also fails to appear, the benefit given in this order will automatically stand vacated.

5.Subject to this direction, this criminal original petition stands dismissed. Connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Inspector of Police,
All Women Police Station,
Kulithurai, Kanyakumari District.

2.The Judicial Magistrate,
Padmanabhapuram.

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

<https://hcservices.madras.gov.in/Services/>



+1 CC to Mr.P.T.RAMESH RAJA, Advocate (SR-89089[F] dated
25/09/2019)
+1 CC to Mr.S.C.HEROLD SINGH, Advocate (SR-89499[F] dated
26/09/2019)

WEB COPY

CrI OP(MD)No.9851 of 2015

and

MP (MD)No.1 of 2015

24.09.2019

skm

MK (11.10.2019) 3P 6C