

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.07.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.Nos.13871 & 13872 of 2016
and CRL.MP.Nos.7086 & 7087 of 2016

1.Pachaiyammal
2.Karuppanna Gounder
3.Poongodi
4.Arumugam
5.Indira

.... Petitioners in Crl.OP.13871/16
Accused No.2 to 6.

K.Muthusamy Petitioner in Crl.OP.13872/16/
Accused No.1

Vs

1. State rep by
The Inspector of Police,
All Women Police Station,
Omalur, Salem District. 1st Respondent/Complainant in
both the Crl.OPs

2.Lavanya 2nd Respondent in both Crl.OP.s
decreetal Complainant

Common Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in S.C.No.159 of 2010 in so far as relating to the charges framed in Crime No.5 of 2007 on the file of the Mahila Court, Salem and quash the same.

For Petitioner/s : Mrs.Nalini Chidambaram
for Ms.C.Uma

For 1st Respondent: Mr.C.Emalias, APP

C O M M O N O R D E R

This petition has been filed to quash the proceedings in S.C.No.159 of 2010 in Crime No.5 of 2007 on the file of the Mahila Court, Salem.

2. Heard Mrs.Nalini Chidambaram, learned counsel appearing for the petitioners and Mr.C.Emalias, learned Additional Public Prosecutor appearing for the 1st respondent.

3. It is seen that on the complaint lodged by the de facto complainant, the respondent police registered a case in Crime No.5 of 2007 for offences under Section 498[A], 406, 306, 307, 109, 294[b] and 506[iii] IPC and after completing the investigation, filed final report, which is now pending in S.C.No.159 of 2010 before the Mahila Court, Salem, challenging which, the petitioners are before this Court, on the ground that way back in the year 2001, the de facto complainant has given a Mutchalika before the panchayatadars, wherein, she has stated that she attempted to commit suicide on her own accord and that she will mend her ways and live properly with the 1st petitioner. Thereafter, in the year 2007, she has given a false complaint alleging that the petitioner herein had committed acts of cruelty.

4. This Court gave its anxious consideration to the submissions of the learned Senior Counsel and perused the FIR. In the FIR, the de facto complainant has specifically stated that on 06.10.2007, the petitioners herein had attacked her and that on the instigation of the other petitioners, her husband attempted to throttle her and murder her. When there are prima facie materials for the trial to proceed, the same cannot be quashed, since disputed question of facts cannot be gone into in an application under Section 482 Cr.P.C.

5. Learned Additional Public Prosecutor submitted that charges have been framed and the case is ripe for trial.

6. Under such circumstances, this petition is dismissed, with liberty to the petitioner to raise all the points before the trial Court. The trial Court is directed to expeditiously conduct the trial and complete the same within a period of six months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
All Women Police Station,
Omalur, Salem District.

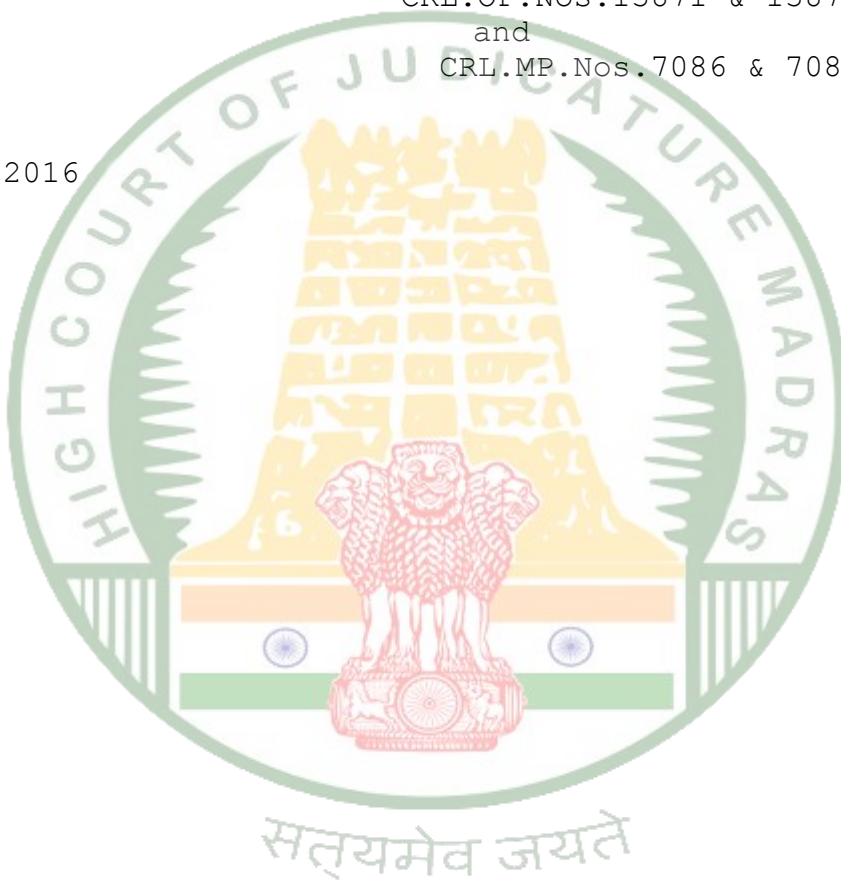
2.The Public Prosecutor,
High Court, Madras.

2 ccs to M/s.C.Uma, Advocate, sr.37853, 37854

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and

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