

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2016

CORAM

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

Crl.O.P No.14468 of 2010  
and M.P.No.1 of 2010

Baskaran .. Petitioner / Accused

Vs.

1. The Inspector of Police  
All Women Police Station,  
Vandavasi,  
Thiruvannamalai District.

2. M.Sivakami ... Respondents / Complainants

Prayer : - Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records of the proceedings in C.C.No.81 of 2009 pending before the District Munsif-cum-Judicial Magistrate, Vandavasi and quash the same.

For Petitioner : Mr.G.Thangavel

For Respondents : Mr.B.Ramesh Babu  
Govt. Advocate (Crl. side) for R1  
No Appearance for R2

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent. Though the second respondent / defacto-complainant was served with the notice, she had not appeared.

2. This Criminal Original Petition has been filed praying to call for the records of the proceedings in C.C.No.81 of 2009 pending before the District Munsif-cum-Judicial Magistrate, Vandavasi and quash the same.

3. It is contended on the side of the petitioner that the defacto-complainant got married with the petitioner on 03.01.2000 but lived with the petitioner only up to 09.01.2000 and the complaint was lodged in the year 2009 and therefore, the offences are not made out and therefore, the proceedings in C.C.No.81 of 2009 is to be quashed as against the petitioner.

4. The learned Government Advocate contends that as per the statements and the materials placed along with the final report, discloses the offences as alleged and the same cannot be quashed for the reasons set out by the petitioner. Further, it is contended that it is only a matter for evidence and the grounds agitated by the petitioner cannot be entertained at this stage.

5. The main ground agitated by the learned counsel appearing for the petitioner is that the defacto-complainant after her separation from her husband in 2000, has laid the complaint only in the year 2009, i.e., after 9 years and therefore, the alleged offence under Sections 498(A), 406 and 506 (ii) IPC are not attracted and the proceedings in C.C.No.81 of 2009 taken on file for the alleged offences is to be quashed.

6. A cursory perusal of the final report and the statements of the witnesses filed along with the said report, prima facie discloses the offences alleged to have been committed. The marriage is alleged to have solemnised on 03.01.2000 and immediately after 2 months from the date of marriage, the accused used to ill treat the defacto-complainant both physically and mentally and when she approached the accused to take her back in 2009, he refused to take her back and threatened to her life. Therefore, the contention that after about 9 years from the date of alleged cruelty and threat, complaint was lodged and the same cannot be believed are the matter for evidence and is to be dealt with only by the trial Court.

7. This Court does not find any reason to quash the proceedings in C.C.No.81 of 2009 and accordingly, this Criminal Original Petition is liable to be dismissed.

In the result, this Criminal Original Petition is dismissed. However, the trial Court is directed to dispose of the C.C.No.81 of 2009 pending on its file, within a period of four months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is also dismissed.

tsvn

Sd/-

Assistant Registrar (CS VI)

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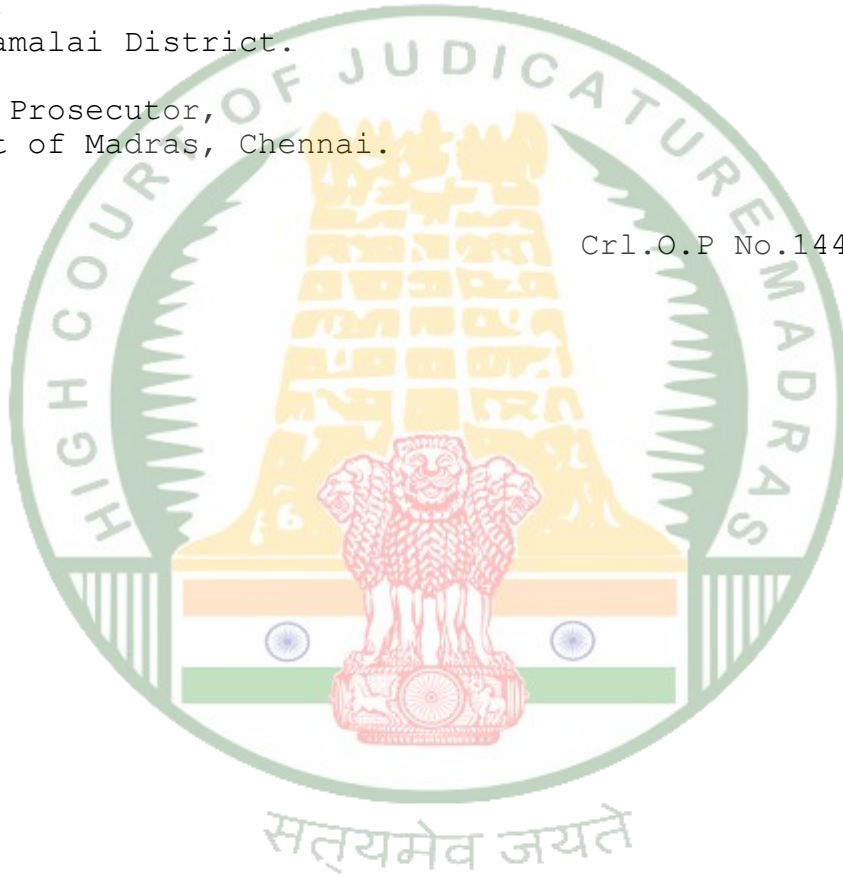
Sub-Assistant Registrar

To

1. The District Munsif-cum-Judicial Magistrate  
Vandavasi.
2. The Chief Judicial Magistrate,  
Tiruvannamalai.
3. The Inspector of Police  
All Women Police Station,  
Vandavasi,  
Thiruvannamalai District.
4. The Public Prosecutor,  
High Court of Madras, Chennai.

MG[CO]  
MK:02/01/2017

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