

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2017

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THE HON'BLE MR.JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.No.30310 of 2014

and

M.P.No.1 of 2014

1.Fouzia Sulthana
2.Mubarak Sulthana

... Petitioners

Vs

The State, represented by
Inspector of Police,
W-28, All Women Police Station,
Ambattur,
Chennai-600 053.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C to call for the connected records in C.C.No.169/2014 on the file of the Judicial Magistrate, Ambattur and quash the same as illegal as far as the petitioners are concerned.

For Petitioner

: M/s.R.Sankarasubbu

For Respondent

: Mr.B.Ramesh Babu
Government Pleader(crl.side)

ORDER

The petitioners who are the accused 2 and 3 filed this petition to quash C.C.No.169 of 2014 pending on the file of the Judicial Magistrate, Ambattur for the offences under Sections 498(A), 406 and 506(ii) IPC.

2. The learned counsel for the petitioners contended that the ingredients of the offences is not made out against the petitioners/accused who are the sisters of the first accused, who is the husband of the defacto complainant. Further, it is also submitted by the learned counsel for the petitioners that the defacto complainant lived with the first petitioner only for a period of 25 days and thereafter, she left him and also married again. The defacto complainant after deposing before the court in chief has not appeared before the court for cross examination.

3. The learned Government Advocate (Crl.Side) opposed stating that the trial has commenced and therefore, the petition cannot be allowed.

4. I have gone through the deposition of PW1 wherein excepting reference to incidents there seems to be no serious allegations against the petitioners. Now the trial has commenced. The trial has to be completed and the case has to come to a logical end. It is again submitted by the learned counsel for the petitioners that PW1 is purposely avoiding to come to court, thereby the petitioners are put to unnecessary hardship and prayed that if the trial is allowed to continue, the appearance of the petitioners may be dispensed

with.

5. Taking into consideration the submissions made by both counsels, this court finds that since the identity of the petitioners are not disputed, the presence of the petitioners before the trial court is dispensed with. Since the trial has commenced and witnesses have been examined, it may not be appropriated to interfere with the proceedings and thereby the Criminal Original Petition stands dismissed. The Judicial Magistrate, Ambattur is directed to summon the witnesses and complete the trial within a period of six months from the date of receipt of a copy of this order. As stated above, the presence of the petitioners is dispensed with. However, it is made clear that the petitioners have to appear when their presence is necessary. Consequently, the connected miscellaneous petition is closed.

31.08.2017

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Index : Yes

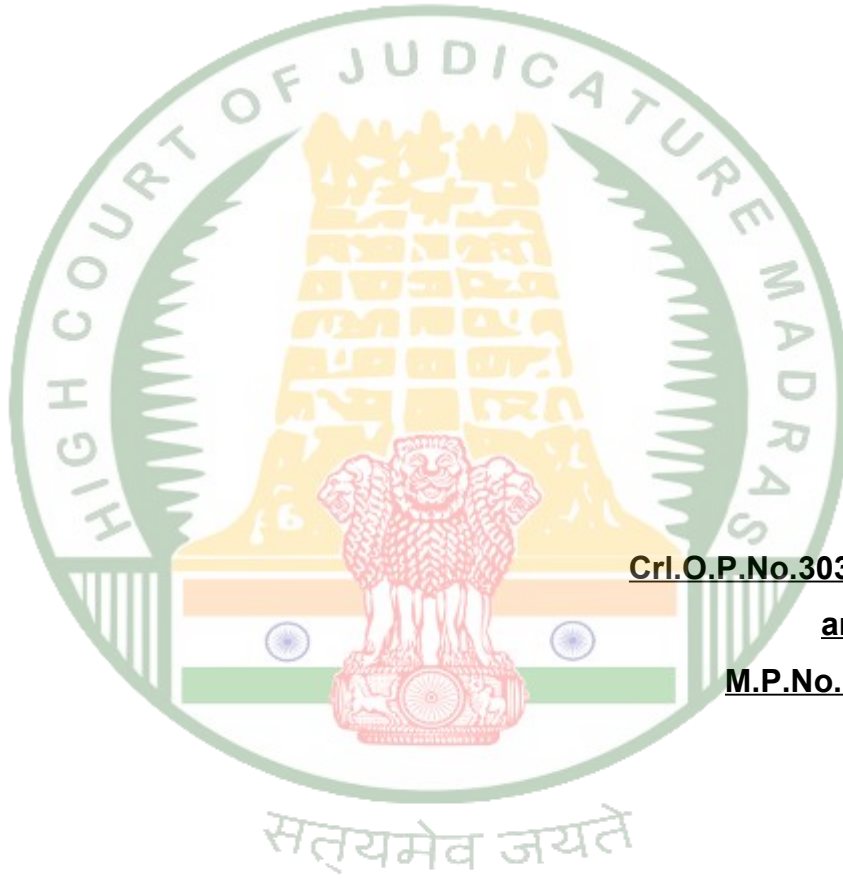
Internet: Yes

To

- 1.The Judicial Magistrate, Ambattur.
- 2.The Public Prosecutor, High Court, Chennai.
- 3.Inspector of Police,
W-28, All Women Police Station,
Ambattur, Chennai-600 053.

A.D. JAGADISH CHANDIRA,J

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