

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR

Crl.O.P.No.22021 of 2011

& M.P.Nos. 1 & 2 of 2011

1.R.Arun

2.R.Ranganathan

.... Petitioner/Accused 1 & 2

Vs

The State rep. by
Sub Inspector of Police,
All Women Police Station,
Ampet, Salem City,
Salem.

... Respondent/Complainant

Criminal Original Petition has been filed under
Section 482 Cr.P.C. to quash the proceedings in C.C.No.174 of
2008 pending on the file of the Judicial Magistrate IV, Salem.

For Petitioner : Ms.A.L.Gandhimathi
For Respondent : Mr.R.Rajarathinam

सत्यमेव जयते
ORDER

1. The main Criminal Original Petition has been
filed with the prayer to quash the C.C.No.174 of 2008 on the
file of the Judicial Magistrate-IV, Salem.

2. The Criminal complaint is one inter alia under
Section 498(A) of IPC and under Section 4 of Dowry Prohibition
Act.

3. A1 and A2 are petitioners 1 and 2 respectively
before me.

4. There is no dispute that the last matrimonial
home was in Bangalore, but subsequently the defacto
complainant moved to Salem.

5. It is the specific complaint of the defacto
complainant that the harassment continued even after she moved

to Salem.

6. However, this is a matter which has to be decided in trial. As on today, sitting in 482 jurisdiction, testing this complaint for quashing, I have to necessarily look into the averments in the complaint.

7. Under the above circumstances, this Court also finds that the defacto complainant has not been arrayed as one of the respondents herein.

8. Therefore, a copy of this order shall be communicated to the defacto complainant also by the Registry.

9. The only point that is raised in this quash petition by Ms.A.L.Gandhimathi, learned counsel for the petitioner is jurisdictional issue. Therefore, this Court is inclined to pass the following order:

(i) It is left open to the defacto complainant [to whom a copy of this order will be communicated by the Registry] and the petitioners herein [who are A1 and A2 in the complaint] to raise and resist the issue of one jurisdiction before the jurisdictional Magistrate.

(ii) On the jurisdictional issue being raised, the jurisdictional Magistrate shall examine the same and pass suitable and necessary orders depending on the jurisdictional conclusion that he may come to.

(iii) It is also seen that the Calendar Case is of the year 2008. Therefore, it is not clear as to whether the Calendar Case is still pending. Though obvious, it is made clear that this order will operate only if the Calendar Case is still pending.

(iv) If the complaint is pending, the learned Magistrate is directed to proceed with the case on day-to-day basis and dispose it as expeditiously as possible and in any event, within six months from the date of communication of this order.

10. Criminal Original Petition is disposed of on above terms. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate IV, Salem.

2.The Public Prosecutor, High Court, Madras.

Copy to:

Mrs.R.Shanmugapriya, D/No.151/IIInd Cross,
Kamatchi Nagar, Chinn Thirupathy, Salem-8.

+1cc to Mr.AL.Ganthimathi, Advocate SR.No.15999

Crl.O.P.No.22021 of 2011

SDR 27.03.2017



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